



Castles on the Sands

The
Report
Of the One Man Committee
Appointed
By the
Government Of Goa
On
Miramar Beach Management Project

(Submitted by the OMC Dr. Nandkumar Kamat)

To the Government of Goa
Panaji -Goa
2.02. 2002

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**Only after the last tree has been cut down
Only after the last river has been poisoned
Only after the last fish has been caught
Only then will you find that
MONEY
Can
Not
be
eaten**

Dedication

*This report is dedicated
to the
ecosystem people
of Goa,
the fisherpeople in particular
and to
Shri Manohar Parrikar ,
the man
who launched
a novel and historic experiment
in participatory governance
through this exercise of non statutory public hearing and set up a
trend in India*

**Statement of submission of the report of the One Man Committee on
Miramar beach Management Project**

In view of the completion of the process of the One Man Committee appointed by the government, on December 7 th. 2001, I, Dr. Nandkumar Kamat, representing the OMC, based on the work, completed during the allotted time and fulfilling the given terms of reference, present this report to the Government of Goa, for its' due consideration and action.

Dr. Nandkumar Mukund Kamat
Panaji-Goa,
February 2, 2002.

Abbreviations commonly used

CO-Chief Officer

GM-General manager

GSIDC-Goa State Infrastructure Development Corporation

IL & FS- Infrastructure leasing and financial services ltd.

MBMP-Miramar beach management project/plan

MD-Managing director

NFPO-Not for profit organisation

NGO-Non Governmental Organisation

NGPDA-North Goa Planning and Development Authority

NIWS-National Institute of Water Sports

OMC-One Man Committee

PHE-Public Health Engineering

PHPF-Public Hearing participation form

PMC-Panaji Municipal Council

TOR-Terms Of Reference

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Part -A-the true copies of 47 written submissions

Part-B-Transcripts of the meetings with government departments

Part- C- Beach Management strategy-1999 -North Carolina, USA

Acknowledgements

It was the idea of the honourable Chief minister of Goa Shri Manohar Parrikar to entrust to me the responsibility of OMC. Why he asked me to do this work is still a mystery to me which I hope he would elucidate someday. I have to thank him profusely for displaying his faith in me and the opportunity he gave to me for a rewarding intellectual experience. It goes to his credit that he did not interfere in my work or attempted to influence the process-directly or indirectly. Things were heating up in December 2001 as the OMC organised meetings with government departments and conducted inspections. But I did not receive a single message , instruction or phone-call to stop the process. I did not notice the officials co-operating with the OMC under any strain or pressure. Although doubts had been expressed about selection of the premises of GSIDC for the purpose of the OMC's work, these were baseless allegations and I must thank the staff of the GSIDC for their excellent team-spirit, co-operation, support and professionalism. It is my personal assessment that GSIDC has got an excellent and dedicated team which could be envy of many corporates. The MD, GSIDC shri Rajib Kumar Sen deserves my thanks for his help in sorting out the modalities at the initial stages. General manager, Shri B.S. Pai Angle made my work smooth and free of the strain and on several occasions he went out of the way to work beyond normal office hours and provide me all the necessary details sought from time to time without losing his patience and composure A word of praise for the nodal officer Shri Sandip Jacques who took immense pains to co-ordinate the paperwork, liase with the government departments, organise the inspection walk and streamline the smooth conduct of the public hearings. In Ms. Marlene D'silva, senior stenographer, the OMC had a dependable professional who saw to it that the transcripts of public hearings and the meetings were meticulously prepared. The OMC acknowledges and places on record the support from Shri Makwana, Mrs. Deshpande, Mr. Nilesh Kerkar and Mr. Umesh Mardolkar from GSIDC.

It was the PMC councillor Ms. Patricia Pinto who publicly welcomed my appointment as OMC and displayed some faith in me. I sincerely thank her. I would be ungrateful if I don't thank the individuals and organisations which sent written submissions, participated in the public hearing and joined the inspection walk on January 24th, 2002. The government officials from the departments of health, town and country planning, forest, tourism, water resources, PWD, fisheries, the captain of ports were indeed helpful. Special thanks to engineer Jadhav from PHE, PWD who was prompt in giving all the technical details, the reports and the drawings on the sewage treatment plant and the new scheme. The MS, NGPDA Mr. Borkar supplied a copy of ODP of Panaji's Miramar area and other plans. The CO, PMC Mr. Elvis kept his assurance to clear the debris from Miramar roadside and the garbage from campal beach. I could see his interest and commitment to solve civic problems. I wish him well in his endeavour. The accounts officer of PMC with 35 years of service record, Mr. Colaco was also useful in confirming many facts about old drainage systems. The chairperson of PMC Mr. Ashok Naik deserves my appreciation because he joined the inspection walk from Campal to Caranzalem setting a lesson for others. I also thank The PMC councillors- Mr. Rudresh Chodankar, Mrs. Ruth Furtado, Mr. Dayanand Karpaurkar and ex-councillor Mr. Surendra Furtado who joined the walk. It was on my invitation that Commander Arun Patil of NIWS, Scientists Dr. Kalidas Sawkar and Dr. Antonio Mascarenhas from NIO

attended the public hearing. NIO supplied the required technical documentation enabling a scientific appraisal of the MBMP. Mr. Wilbur Vaz and Mr. Kenneth Rodrigues, from WWF-Goa helped the OMC in inspection and photodocumentation work. The media-local and national, in print and electronic deserve special mention because the MBMP issue was well focussed by them. Thanks to the senior journalist Mr. Sandesh Prabhudessai of www.goanews.com, I could open a new e-mail account miramargoa@indiatimes.com enabling the people to send e-submissions. Sandesh also hosted the electronic version of MBMP on his website for a week. Daily Oherald greatly helped in highlighting the MBMP issue and carried the MBMP draft on its' website alongwith the colour map. NFPO/NGOs like the Tata energy Research Institute and the Goan Peoples' Forum also deserve my thanks for taking forward the process and stirring the urban community. I could not verify the more than 7000 signatures on three different appeals opposing the MBMP, but a great effort must have gone in collecting these and explaining the contents of the appeal to non_English speaking signatories. Such efforts need to be appreciated in any democracy- although the number of signatures have not been taken as a vote against the MBMP.

Thanks to the vice-chancellor and the authorities of Goa University and especially the dean of the faculty of life sciences and environment, professor and the head, department of Botany, D. J. Bhat for all the support. What has greatly helped me to survive through this ordeal is the strong backing of my beloved wife Melinda who saw to it that I would not get frustrated and resign. She stood behind me like the rock of Gibraltar and suffered for me during past two months. She can not be thanked easily but this report has been made possible because of persons like her who have greatly enriched my life and have made me useful for the society.

I have to acknowledge the prompt assistance from AIRC , formerly USIS mumbai. Expecially ms. Asha Chaterjee and Ms Lalita Desouza who sent the requested information on websites and two useful books.

There are many others, organisations, institutions and individuals, who I am aware might have contributed in the work of OMC. If I have failed inadvertently to mention them and thank them I may be forgiven.

Preface

A beach can also teach

I feel a certain load of history on my head in writing this preface. Generally prefaces are not mandatory for the reports of the committees appointed by the government. But I am going to break that convention. The foregoing is the preface of the report of the One Man Committee (OMC) which came into existence on December 8 the 2001. I do not know whether single members form a committee. But that is the way the government which appointed me has decided to call it. Except for this chapter, throughout this report, I would not use the first person expressions. It would be the OMC or just "committee".

The constitution and the composition of the committee was not in my hands. There was a demand to appoint a multi-member committee. A demand for resignation by OMC was also made. There was criticism about the ability of OMC to handle the complex and politically sensitive issue of the Miramar beach Management Project (MBMP). Initially people had demanded extension till middle of January. In that case the process would have got over by 15 th January. I requested the government to grant extension by five more weeks. The chief minister agreed without any hesitation. In the extended period MBMP became a popular public issue. Signature campaigns, debates, workshops, press releases, letters, articles, features- the OMC was overwhelmed by resurgent response of urban civil society. Allegations were made and aspersions were cast on OMC. Demands for alternatives emerged. All these demands and the criticism, in fact helped me to understand the politics of dissent in the democracy. I have previously worked on several government committees and panels. But this was different. The experience gained could be fountainhead for a full length novel- a sure thriller- a guaranteed bestseller. I wish I could write it one day and dedicate it to the people of Goa. During this period of my work, I could sense and feel the cold anger of the people, their general distrust and hatred of the system, the selective and strategically calibrated approach of some organisations and individuals to the public issues, the stratification of opinions, the pain which a few citizens and NFPOs/NGOs took to press and pursue their points and positions and orchestrate a campaign, the misconceived view of a few people about the OMC as the agent of the government, the impulsive pre-judgement of the process, the dismal picture of city's administration, the ongoing ruin of natural assets and life support systems, stark examples of statutory violations by the beachside residents and several other aspects on which I may comment elsewhere in future. There were several issues concerning haphazard urbanisation in Goa which were pending and crying to seek the attention of the elected representatives, the government, the public, the not-for-profit organisations (NFPOs), the mass-media and the activists before the MBMP appeared on the horizon. Irrespective of the outcome of this report, these issues would drag on, unnoticed, unattended and uncared for in future. And actually that's my real anxiety and fear. In the process of studying the MBMP in detail, as far as the urban beach area of Panaji and the immediate hinterland watershed is concerned, I attempted to bring to the light several unattended issues on which comments would be found in the report at appropriate places. This itself is a small personal contribution to improve the quality of life in the above area.

It was the peoples' expectation that OMC needs to be familiar with the beach and the beach management issues. It was a genuine expectation. I was born in the Fontainhas ward of Panaji. This city is in my blood. Panaji is one of the most beautiful

city in Asia. Two estuaries wash the feet of this princess-Mandovi and Zuari. My familiarity with the composite, illemenite rich, Campal-Miramar-Caranzalem beach is only of 35 years. I have photographic memories of this beach ever since I was a student in the Massano de Amorim government primary school.

I had written a few letters and articles on the extensive man-made erosion of the Campal beach in 1984-5. Acting on my complaints, the then IGP Mr. P.S. Bawa, had raided and confiscated carts transporting the illegally excavated sands from the dunes of Campal beach close to the shoreline. A slum which had existed where the home science college building stands today was a major source of nuisance because the slum dwellers had debarked the tall, well grown casuarina trees. This was their method to get a ready supply of fuelwood. With hard efforts, the thick rows of the Casuarina coastal shelter belt were planted between 1964-70. It was Panaji's green necklace. The slumdwellers could not understand its' importance. By stripping the bark they were dehydrating the trees. Hundreds of these trees had become dehydrated and subsequently these were cut. This enterprise of cutting, logging, sawing the mature trees employed several forest contractors and a few saw mills. Very few citizens of Panaji had then shed tears for the lost necklace. The thinning of the coastal casuarina vegetation along the Campal shoreline was a man-made calamity. Just like the conversion of the protective girdle of the sand dunes. With the massive real estate boom in the eighties and ninties the sand dunes in Campal-Miramar-Caranzalem belt were demolished and levelled. With the illegal excavation of truckloads of sand, the Campal beach rapidly eroded between the present Childrens' park to the Youth hostel. The debris of the old Mandovi bridge dumped upstream added more to the misery. In his testimony during the public hearing, before OMC, the invitee from NIO, Dr. Kalidas Sawkar has vividly described the change in the beach behind the Youth hostel.

Nobody would be able to deny the inspirational and creative power of the Miramar beach. It is not only a cool place for fun and frolic but a scenic point to capture the most dazzling skylines, cloudscapes and kaleidoscopic sunsets. The beach has always had a certain unassuming and innocent character-an openness, in the absence of a skyline dotting with high rises or skyscrapers. The sand is like a vast warm granular mattress, on which one could lie down and look at the star-filled nightscapes. I recall sessions with poets like late R.V. Pandit and Shankar Ramani, (who is now residing at Belgaum) for whom the beach was a constant inspiration. Poet laureate of Goa- late B.B. alias Bakibab Borkar wrote inspired poems after visiting this beach. Poet Dharmanand Vernekar composed his two collections with the Miramar beach as witness. It is difficult to keep track of the poets, painters, artists, writers, thinkers who were inspired by this beach and the spell which it cast over them. It is the only secure beach for romantic couples to share a few mercurial moments of life. It is a treat to watch the setting of the sun and the rotating beams of the Aguada lighthouse lightly bathing the beach. I can only say that many people who have opposed the MBMP on sentimental grounds have all this and more to submit because the beach has become an indispensable part of their lives, their routines and their dreams. Miramar beach has become a symbol of urban aspirations-peoples', beach users' yearning for a slice of invaluable space-space which can not be weighed in gold and diamonds. The written submissions and the majority of oral testimonies reflect this truth. It is not the change, the transformation which the people are afraid of. It is the fear of the loss. Loss of a valued, cherished asset. I don't

know whether in the politics of globalization and privatisation these sentimental issues matter to the decision makers. There is a genuine fear that Goa is experimenting with a model of beach development which the rest of the world and especially the affluent world is rejecting. Whereas the American beach policy is encouraging the retreat of the settlements and the development from the shoreline, people opposing the MBMP fear and resent that Miramar's shoreline would be transformed and then the other beaches would follow. There are many complex issues of appropriateness of public policy, legislations, developmental priorities of the state, models of economic development, wealth creation, income generation and distribution, socio-economic equity and equality, jurisdiction of authorities, informational aspects and transparency in the decision making, benefit-cost analysis of the projects and their Environmental impact assessments, community participation, education, empowerment and involvement which have been thrown open by the public hearing process under the OMC. Some of these issues had always existed in Goa and may continue to exist unless these are understood by the decision makers as real and genuine issues. Informed citizenry would not be produced without a heavy political sacrifice and price. The OMC on MBMP has not opened any Pandora's box or Alibaba's cave. There are lessons for everyone involved in the chain of decision making. And the most important lesson is to radically improve the quality, efficiency and accountability of the governance in Goa at every level.

During the public hearing the committee asked some of the citizens and the spokespersons of the NFPOs/NGOs, the position of the Miramar beach if the "status quo" is maintained. I asked them to project the condition of the beach after say, five years. This was an attempt to begin a process to find viable alternatives, if any. The borderline between what is "public" and "private" is very thin and slippery. I may be proven wrong in future, but my prediction is that the future of the Miramar beach is likely to be governed by factors (drivers) like the market forces (real estate, tourism, hotels), the individual lifestyles and attitudes of the citizens and the visitors, the property owners near the beach and their immediate interests and the effectiveness of the government machinery in postponing the death of the Miramar beach ecosystem. On paper, many interesting solutions could be worked out. Many impressive models could be presented. But when I saw the massive, ongoing encroachments on the landward side, in the road widening zone in possession of PWD, in an area marked green in the city's ODP; I wondered whether such privatisation of public space by the private parties- the respected residents of Miramar could be subjected to any econometric or socio-political modelling. The private land grabbers and encroachers in this belt do not seem to care about the MBMP. They have already worked out their own profit making plan. Laws are laws and the rules are rules-either against the encroachers or for regulating the service provider envisaged under the MBMP. The difference is only quantitative.

There is a basic flaw in the government approach in understanding the intricate ecology and economy of the natural resources of Goa. The evolutionary sequence of the coastline/shoreline, coastal zone, estuaries is seldom understood and factored in the macroeconomic policies. Beaches are not static but constantly changing, transforming, evolving dynamic entities. Superficially all the beaches in Goa may appear to be the same on maps, toposheets, remotely sensed images and in photographs except their length and width and the colour of the sand. But are the beaches in Goa really comparable? Is it possible to compare the Miramar beach, which is an estuarine beach

on an island with dense urban population with beaches facing the Arabian sea like Calangute and Colva?. An estuarine beach has a different ecological and evolutionary history. Except the settlements at Altinho and Nagali hills, Cabo-Donapaula plateau, the entire city of Panaji is mercifully carved out of the land reclaimed from the vast ancient flood-plain of Mandovi estuary. The existence and growth, the development and prosperity of the low-lying and waterfront areas of the city is subsidized by the Mandovi estuary-which is now reduced to a 600 metres wide channel. Panaji is at the mercy of Mandovi estuary. Rivers and estuaries are highly unpredictable. The shore processes created the Miramar beach. The sand dunes stabilised the area between- Campal to Caranzalem. The ancient flood-plain of Mandovi may be more than 10-12 thousand years old. The Sand dunes are known to be about 6000 years old. The Miramar beach may be a relatively young entity. Further, such a beach on a low-lying island ecosystem like Tiswadi has certain characteristics which would not be present in other beaches. Then ,being an Urban beach, Miramar acquires an altogether different dimension. It is nothing short of a miracle that it has not so far become a mirror image of the urban beaches in Mumbai- namely Juhu, Bandra, Dadar or Chowpaty-Girgaum. The major reason is of course the relatively insignificant local population pressure at least till 1990. After 1990, the immediate hinterland of the Miramar beach between Santa Inez to Caranzalem has transformed into a rapidly growing dense core of urban settlement. A new factor has entered into the ecological equation- the valued beachside property. The congestion and chaos in the strip between the Old Miramar-Caranzalem road and the new seashore road distinctly presents an abysmal lack of planning and complete ignorance of the importance of beachfront areas in natural and man-made coastal disaster management.

How does one plan any beach management?. Is it correct to delink the existing and unresolved problems of spatial and infrastructural planning of the hinterland, the immediate watershed from the Miramar beach management plan?. Is it correct to compartmentalise such issues and focus on a given area or a sub-area assuming that very ideal conditions exist in the hinterland?. It is a simple knowledge that ecosystem boundaries are not rigid but smooth. Ecosystems are pervious or porous. The transition from one ecosystem to other is subtle, gradual. The government itself is not aware that the capital city of Panaji exists within an island ecosystem. Within the boundaries of the Manmade Ecosystem called the capital city of Panaji there are several unrecognised ecosystems- 1. The marine (aguada bay) 2. The intertidal rock pools 3. The beach with sand dunes extending from Campal to Caranzalem 4. The Mandovi estuary 5. The mangroves near Ourem creek-Fontainhas 6. The wetlands near Fontainhas 7. The Khazans 8. The salt pans near the Mandovi bridge 9. The plateau (Dona-paula) with a typical grassland 10. The hillocks of Altinho, Nagali and the windblown cliffs/rocks. This undulating mosaic of an array of integrated ecosystem is Panaji's greatest asset and invaluable gift. In developmental planning the services of these ecosystems are not taken into account. The web of these ecosystems which makes Panaji what it is today, is not easily understood even by the locals. So we can imagine the position of any hired external consultant. The general approach is what I prefer to call as "Photostatic modelling". The consultants pick up a model, identify the area of planning and perform a limited scoping exercise. What they generally miss is the grand-picture-the active web of the ecosystems wherein the beach becomes integrated with the watershed and the watershed with the estuary.

To be very specific, let us take the planning of the cross-drainage under the 2800 metres long and 16 metres wide seashore road linking the Miramar circle to NIO-circle at Donapaula. There are RCC drainage pipes with the outfall on seaward side. But further there is no provision of drainage. So, how the rainwater flows to the sea? The engineer from PWD who was asked to explain this peculiar system told the OMC that "the water is allowed to be soaked in the beach". Is this sound drainage planning?. The engineer almost admitted that the seashore road is not actually a road but an embankment which would impound the rainwater on landward side. The beach is almost unusable from June to August but the MBMP had not considered the extremely important aspect of the linkage and continuity of the drainage between the landward side and sea with the strip of the Miramar beach in between. The MBMP assumes, at least theoretically that all is well and normal with the basic infrastructure on the landward side of the beach- the drainage, sanitation, sewage treatment and disposal, traffic planning etc. The field work by the OMC found a different and shocking picture. A revolutionary change is required in improving the drainage and sanitation in the hinterland area which drains across the new seashore road and along the Miramar beach. Permitting millions of litres of water which carries man-made pollutants and pathogens during the rains to soak in the sandy strata from the Sulabh toilet complex at Miramar to martins' beach corner is an invitation to ecological and public health disaster. But that is precisely what has been happening and is being allowed to happen by the authorities who have forgotten the standard practices of stormwater and environmental engineering. The OMC has only made a very preliminary but pertinent diagnosis, but it is left to the government to administer the treatment.

Unfortunately many of these fundamental issues were not specifically raised during the public hearing as the emphasis of the deponents was on the issue of the privatisation of MBM and the role of the service provider.

It is said that-

"Vision without action is like a dream
action without a vision is like passing time
vision with action changes the world"

People are not afraid of change. They are craving for vision with action. Privatisation is not a substitute for vision. It is one of the option for action. A welfare state need not accept economic Darwinism as the latest fashion in the global market. Or consider privatisation as the magic remedy for systemic failure. Privatisation comes with a huge price. Privatisation may come with huge capital and latest technology. Privatisation may bring in better knowledge, experience, know-how, service culture or work ethics. But Privatisation also depends on open and hidden subsidies. MBMP revolves around the faceless service provider. What are the compulsions of the state?. Our regulatory bodies and enforcement machinery have not yet reached equivalent state of maturity and efficiency which the developed countries have reached to strike the critical balance between the profit motive of the service providers and the welfare motive of the state. On case by case basis, privatisation may be good in selected areas. But in critical, sensitive areas involving the public commons/community commons, "stop, look and proceed" may be the best strategy. The MBMP has given a golden opportunity to the GSIDC and the Government of Goa to critically review its' tentative and experimental approach to infrastructural project identification and planning. The state

policy on privatisation is yet to be defined, sectorally or in infrastructural areas. A clearcut policy on privatisation would have won the government rich tributes. To learn from the mistakes of other states or countries and formulate a rational, acceptable and implementable policy on privatisation is not an insurmountable task for Goa government considering the wealth of ideas which has emerged out of the churning of the OMC's public hearing process on MBMP. The government has not yet acknowledged and resolved the question of multiplicity of authorities and the clash of their jurisdictions. Comments on these aspects would be made at appropriate places in this report. As a welfare state the government would have to give more weightage for interaction with various project specific roleplayers and stakeholders than the interests of the service providers. There is nothing novel in this approach. There are any number of case studies and critical reviews (Refer to chapters 4 to 8, pp.60-237, India Infrastructure report- 2002, Governance issues for commercialization, Ed. Sebastian Morris, 3I Network, Oxford University Press, 2002) which have reached the same conclusion in India. Why Goa, be an exception?.

Dr.Nandkumar Kamat

History of the Miramar beach

Miramar is an island beach. It has changed in past 10,000 years. The topography of Island of Tiswadi changed during the Pleistocene. Dr. Rajiv Nigam has dated the Chicalim Marine fossils-5-6000 years old. There was a drop in the sea level by 6 m so the sand dune belt of Campal to Caranzalem must have formed about 6000 years back. Probably Mandovi estuary might have had a small delta with many creeks. The Miramar beach might have formed after the stabilisation of the dunes. Human settlements were possible in this area about 5-6000 years back. The proof comes from the microliths-the stone tools found on Bambolim plateau. The Sand bar at Aguada must have prevented smooth entry of ships from ancient period. The Bronze head of Buddha idol found in the garden of Panaji's Mhamai Kamat house and dated to 4 th century and the Quadrangular Greeko-Roman anchoring stone at Santa Inez show that transoceanic ships used to anchor in this area. A firm settlement of fisherpeople must have come up from Campal to Caranzalem during the Kadamba period. Nothing is known about Miramar till the entry of Afonco de Albuquerque in Goa in February 1510. The real name of the Miramar beach is Gaspar dias beach. According to historian and Journalist Antonio Menezes's historical notes on Goa (1981) " Gaspar Dias- was some centuries ago a region of great strategic value , with a fort and some buildings for military quarters . And during the Peninsular War a part of the British forces stationed here camped at the Gaspar Dias fort. The fort was built in 1598 by Viceroy Dom Francisco da Gama , Count of Vidigueira as per the Royal Letter of February 22, 1588 and was named "Forte da Ponte de Gaspar Dias" for being situated at the extreme end of the palmgroves called Gaspar Dias. In the "Arquivo Oriental Portugues" we read "there is on the shore at one end a fort built of stone with a height of 15 feet and the walls with a thickness of five in square each section of the wall has a length of six fathoms it is not entirely complete but it is possible to mount on it twelve artillery pieces to defend the entry to the bar....". Julio Simao , Chief Engineer of the Portuguese States in India and one of the architects who gave strongest fillip to the construction of the See-Cathedral of Goa ,as also the works of the Fort of Gaspar Dias. On the spot of the same fort was ordered the construction of another fort by Royal Letter of February 3, 1602 and it was not carried out and the Instructions named after the Marquis of Pombal [1774] ordered the demolition of the said fort as being useless which was also carried out instead large Military Quarters were built which for a long time were occupied by the Artillery Regiment [Instrucoes do Marques de Alorna]".

Aspects of the Tourism development of the Miramar beach have been nostalgically recorded by Mr. Percival Noronha, Panaji's urban historian in his written submission, enclosed as annexure no. ____

Executive summary

The government of Goa had set up Goa state Infrastructure Development Corporation (GSIDC) as a special purpose vehicle to identify and develop various infrastructure projects in the state of Goa. The GSIDC prepared the Miramar beach Management Project (MBMP). It generated public apprehensions about the intention of privatisation. The government appointed Dr. Nandkumar Kamat as a One Man Committee (OMC) to look into the matter.

The committee had the following terms of reference:-

1. To receive written representations from the public based on the project information made available to public and to conduct public hearing on the project at venue and date, as indicated in the press advertisement.
2. Study the project in detail and after taking into consideration the various submissions made by the public on the said project give recommendations to modify, and/or go ahead with the project or reject it.

The OMC initiated its' work from December 8th 2001. It defined its' scope of the work and the methodology. It collected information on beach management policies, strategies and practices form other parts of the world and studied the six volumes of the MBMP. It corresponded with government departments and obtained information on various aspects of Miramar beach area. The OMC held meetings with the government officers, carried out inspections of the project site, surrounding area and some beaches in Bardez. It examined 47 written submissions received from the public. It framed the rules and conducted the public hearing in two phases-the first on December 18th and the final on January 17 th 2002. It heard 39 members of the public. The hearing was videotaped and transcripts were prepared. The committee organised an inspection walk from Campal to Caranzalem on January 24 th alongwith PMC councillors and government officers to review the present status of beach management. The committee solicited comments and clarifications from GSIDC on the points raised by the public and discussed the model, methodology and structure of MBMP document with If & LS consultants. The committee took into consideration all the shades of opinions on MBMP and all possible sources of information on Miramar beach in arriving at its' recommendations which are based on its' findings from the analysis of 1. Written submissions from the public 2. Transcripts of the public hearing 3. Detail study of the MBMP volumes and the responses from GSIDC on public queries 4. Observations recorded during site/field inspections 5. Role of various government departments/agencies linked to MBMP 6. Global knowledge of beach management practices.

A. Findings from the written submissions:-

The OMC studied the written submissions in detail and arrived at the following conclusions. These conclusions could be verified from the contents of the 47 submissions.

1. People unequivocally consider Miramar beach as a special case, an unique beach, so far left intact as a valuable public asset, public commons unlike other beaches in Goa which are already congested and commercialized. People are vehemently opposed to any regulation or restriction on access to the beach but welcome notified free access points so as not to disturb the dune flora. They do not believe that facilities like landscaping and watersports, childrens' park etc. are required at Mirmar.
2. The privatisation policy of the government, if any is not clear to the public. But there is some support for selective privatisation of some services like the non-mechanical cleaning of the beaches, safety, parking on landward side.
3. There is no support for the single service provider as the people are suspicious of the monopoly nature and profit motive of the concession and skeptical of previous experiences of service providers as in the case of Panaji Park project leased out to the Mandovi hotels.
4. People have challenged the jurisdiction of the GSIDC vis-a vis- the 74 th amendment and the devolution of the powers to municipal councils and the possibility of the emerging conflicts between the service providers and the government authorities.
5. There are powerful ecological and environmental concerns like the inviolability of the existing sand dunes, the need for conserving precious habitat of the migratory birds like the plovers and terns and several other species sheltering in and feeding at Miramar.
6. The fisherpeople need the entire waterfront/seashore to protect their livelihood and view any proposal for developmental activity on seaward side with concern. They are not convinced about the argument of development of only 1.7 kilometres of the Mirmar beach and leaving the fishing areas untouched.
7. People are opposed to any interference with the existing, remaining dune ecosystem. So landscaping of the dunes is out of question. Natural dune building and scientifically executed, ecologically sound beach nourishment techniques are welcome provided these involve local/NIO experts.
8. People have several suggestions to improve the present condition of the management of the Miramar beach and despite their disappointment with the government departments and the Panaji municipal council are willing to consider reforms involving the local authorities and the local stakeholders like the fisherpeople.

The public trust doctrine, the precautionary principle and the polluter pays principle have also been focussed forcefully to oppose the element of privatisation of the Miramar beach management.

In the ultimate analysis,

From the 47 written submissions,

- 1.The OMC found a lot of merit in the submission by PMCA (annexure no.) which is prepared to draw an alternate and suitable plan in the place of MBMP.
2. The OMC found a lot of merit in the submission signed by 65 citizens (annexure no.) with respect to the acceptable features of the MBMP
3. The OMC found a lot of merit in the arguments put forward by Goenchya Ramponkaranco Ekvott (annexure no.) from the human rights, livelihood angle of the traditional trustees of the beach-the fisherpeople
4. The OMC found a lot of merit in the eco-ornithological argument based on the field studies, presented by Southern birdwing (annexure no.) about the habitat of migratory birds

5. The OMC found a lot of merit in the legal theory argument of Ms. Sangeeta Sonak of TERI (annexure no.) opposing the MBMP

B. Findings from the public hearing:-

1. People are confused about the rationale behind privatisation and are not open to the concept of monopoly of the service provider.
2. People would not support any constructions on the beach side or landscaping on sand dunes or restricting fishing activity or promoting any water sports activity.
3. The regulatory role of the government is considered important in managing the beach by strengthening and streamlining the existing mechanisms.
4. The diversity of the fisheries resources and its' sustainable utilisation are underestimated in the MBMP. Fishermen are afraid of interference. Poor people depend on the large amount of driftwood swept by the floods on the beach during the monsoon.
5. Private participation under the government control is supported cautiously in selective manner- beach cleanliness, safety, parking provided it does not interfere with local communities.
6. Not a single government authority has paid any attention to the integrated drainage planning in the Miramar beach area.
7. Since the fragile Miramar beach ecosystem is already under stress Comprehensive Environmental Impact assessment is required for the entire estuarine area from Divar to Cabo.
8. Fishermen are prepared to assist in maintaining the cleanliness of the beach if given an opportunity.
9. Improved co-ordination is required between various government authorities to protect the beach ecosystem and find community based solutions to the Miramar beach management issue. The PMC and tourism department may have the capacity.

The Final Verdict

The OMC believes that Miramar beach can not be equated with any other beach in Goa. The ecosystem services of this beach are still ill understood in terms of storm and disturbance regulation, environmental capacitance, drainage, biodiversity of flora and fauna, habitat and refugia and recreational value.

There are other profound dimensions of this beach-

- the spiritual dimension which provides a noise free and tranquil environment to the meditators on the beach.
- the psychological dimension- an overwhelming feeling of vast open sandy space and the uncluttered horizon
- the aesthetic dimension- the photogenic value of the beach as it is today, without much makeup
- the ecological dimension- habitats, communities, species, gene pools, food chains, nutrient cycles.
- the environmental dimension- the oxygen rich , pollution free air, the soothing water, the light, the sky, the clouds, the breeze;
- the cultural dimension- the beach itself is a park for the children and adults and a readymade studio for painters and a stage for the musicians;
- the economic dimension- the fisheries business alone produces a sustainable income of Rs. 2-4 crores per year for the 350 fisherpeople who catch about 1000 MT of fish with a large diversity of 30-40 species.

-the educational dimension- the beach ecosystem with the sand dunes is an open laboratory for the students.

The OMC found that MBMP has missed these dimensions. It has only focussed on the techno-financial aspects and looked at the profit interests of the service provider and the revenue interests of the state government.

The OMC has found ample scope in Miramar beach area for improving the roads, drainage, sewage, sanitation, the traffic circulation, the illumination, the safety of the visitors, the need to establish a hawkers' zone and shift the hand carts to the landward side. The polluters pay principle has to be imposed on the hawkers. There is scope for paid parking but as demarcated in the MBMP the proposed parking lot was found to be close to the fragile sand dune and overlapping with the drainage. The OMC found that Organised parking facilities are possible on landward side in the area encroached by the private parties.

OMC felt the need for formulating uniform beach users rules as these exist in other countries. A fire free and plastic free zone could be notified. There has to be strict ban on vehicular driving on the beach or excavation of the sand. The signages have to be improved. There is no scope at Miramar for huge billboards or for floating balloons with advertising material.

There are no specifications from health angle for bathing and swimming and these need to be prescribed and be brought to the notice of the public.

The OMC has given suggestions for ecological and morphological microzoning of the entire beach from Campal to Cabo for nourishment and conservation. Six microzones have been suggested.

Finally OMC has come out with the following recommendations:-

1. **The OMC has not recommended acceptance of MBMP** because of the strong views expressed by the public and the OMC's own assessment of the deficiencies in the MBMP and the ground truth.
2. **The OMC has not recommended the acceptance of the MBMP after modifications** because of its' considered view that there are fundamental flaws in the process leading to MBMP and in the plan itself.
3. **The OMC has emphatically recommended the Rejection of the MBMP** because it is the best choice under the present circumstances. It would clear the way for better policy making and also help to save several other infrastructural projects on drawing boards from getting into controversies.

The OMC has suggested remedial measures to the government:-

The OMC's ten point action plan:--

1. Review the present status of privatised projects/services in Goa. Detect the breaches in lease agreements/licensing conditions and fix penalties. Refloat tenders to avoid monopolies of service providers.
2. Prepare, discuss and declare the state policy on A. privatisation, B.sectoral privatisation and C. infrastructural privatisation. The India infrastructure report-2002 would be useful to the policy makers to understand that the cart can not be put before the horse.
3. Provide policy and statutory support to the infrastructural projects by introducing the Goa Infrastructure development act (GIDA) on the lines of Gujarat state.

4. Empower the elected local authorities. Appoint the district planning committees mandated by the 74 th amendment and encourage the Municipal councils to prepare the development plans as per 1968 municipalities act.
5. Direct the PDAs to prepare the Comprehensive Development Plans which are pending for several years.
6. Prepare a Goa state beach management policy and legislate the beach management act to end the chaos in coastal tourist zone and streamline permissible infrastructural development(e'g. sewage treatment) supported by the local communities.
7. For immediate solutions for managing the Miramar beach along with the hinterland and the watershed, the GSIDC must support the Panaji Municipal Council to appoint by a special resolution a broadly representative, Community based Miramar Beach management committee (CBMBMC), before April 1, 2002, which would have on its' agenda all the concrete and creative suggestions received from the public during the process of the OMC's work to set the ball rolling. One option which the CBMBMC could explore is the joint management of the beach with the active involvement of the fisherpeople. There are excellent chances that this model would succeed in Panaji . But the outlook should be positive.
8. GSIDC could still be in picture to implement selectively, infrastructural projects which are identified and recommended by the CBMBMC and subject to the policy framework as suggested earlier. There are avenues of taxation and national and international project based funding which could be explored by CBMBC.
9. The government need to formalize the practice of public hearing by framing suitable guidelines and involve the public at the early stages of project identification, definition and planning. The government could encourage the NGOs to conduct training classes in community organization and participation in public hearing. The government should acquire copies of the Sierra club guide to community organizing, ie. "How to save Your Neighbourhood, city or town" by Maritza Pick, sierra club books, San Fransisco, 1993 and gift these copies to the councillors and NGOs.
10. True copies of the videotaped transcripts of the public hearing conducted by OMC on December 18 th 2001 and January 17 th 2002 could be sold to the interested purchasers at reasonable costs, after framing appropriate terms and conditions consistent with copyrights and other acts.

The genesis of the MBMP

The OMC requested the GSIDC to prepare a chronology of events. The following document is included as a backgrounder to the notification of the OMC.

Comments on this document by the OMC appear at the end.

I. CHRONOLOGY OF EVENTS LEADING TO PREPARATION OF MIRAMAR BEACH MANAGEMENT PROJECT CONCEPT

1. Goa State Infrastructure Development Corporation (GSIDC), a wholly owned Company of the Government of Goa was incorporated under the Companies Act, 1956 on the 20th day of February, 2001. GSIDC was set up to identify conceptualise and implement all types of infrastructure projects as directed by the Government of Goa.

2. The Government of Goa entered into a Memorandum of Agreement on 27th March, 2001 with the Infrastructure Leasing & Financial Services Limited (IL&FS), a company incorporated under the Companies Act, 1956 having their Registered Office at The ILFS Financial Centre, Plot C-22, G Block, Bandra-Kurla Complex, Bandra (East), Mumbai 400 051. The role of IL&FS in the Memorandum of Agreement was mainly to contribute the requisite technical, financial and managerial resources to undertake infrastructure project development in various sectors including Tourism Infrastructure by formation of a Project Development and Promotion Partnership (PDPP) with GSIDC.
3. In line with Government emphasis on tourism sector in the current financial year, IL&FS were advised to investigate and identify the possibility of various tourism related projects which could be taken up for development and implementation.
4. The Tourism Master Plan (draft) was referred to for review and analysis of possible infrastructure projects in short, medium and long term ranges to reinforce the tourism infrastructure in Goa. A presentation in this regard was made by IL&FS on 18/05/2001 to GSIDC and Tourism Department.
5. IL&FS suggested the development of various projects including the Beach Management Project.
6. Based on the above presentation the matter was placed before the 4th Board Meeting of the GSIDC held on 9th June, 2001 and the Board decided to go ahead with the development of various projects including the Beach Management Project. IL&FS are executing infrastructure including tourism related projects in various states.
7. The Government vide Order No.2/8/2000-FCC(Part) dated 15th June, 2001 set up a Cabinet Committee on Infrastructure comprising of the following as members:

i) Chief Minister	...	Chairman
ii) Dy. Chief Minister	...	Member
iii) Minister for Power	...	Member
iv) Minister for Town & Country Planning		Member
v) Minister for Tourism	...	Member
vi) Minister for Revenue	...	Member
vii) Chief Secretary	...	Member Secretary

Besides the above mentioned Ministers, any other Ministers related to the project of his/her Department can be co-opted into the Committee. The Committee was empowered to recommend and clear infrastructure related projects to be executed by GSIDC.

8. Based on the data available from various sources, GSIDC and IL&FS felt that as Goa was frequented by visitors not only from the country but also from all over the world, it was essential to strengthen the tourism infrastructure. Goa was frequented by the tourists for its beaches and natural beauty. It was felt very essential to keep **all the beaches in Goa clean** and provide better tourism infrastructure. To start with it was felt that **three beaches** could be taken up with equitable distribution all over the state to develop the tourism infrastructure. Therefore, the three beaches selected for the beach management plan were **Calangute, Miramar and Colva**. The Beach Management Plan once developed could be replicated at other locations. To start with the Miramar Beach was selected as the same was free from shacks and other obstructions which could have been an impediment.
9. The Beach Management Project was placed in the 7th Board Meeting of GSIDC and approved. The matter was also referred for In-principal approval from the Government of Goa. The Beach Management Project was placed before the Cabinet Committee in its 2nd Meeting held on 26/11/2001 and approved.
10. The implementation of the project was to be carried out in the following stages:
 - i) Invitation of Expression of Interest from interested parties.
 - ii) Issue of tender documents for the project with terms and conditions to the service provider.
 - iii) Receipt of Pre-qualification information, Technical and Financial bid from interested parties in separate sealed envelopes.
 - iv) Evaluation of Pre-qualification information and technical Bid.
 - v) Opening of financial bid of technically qualified bidder.
 - vi) Award of work and signing of the concession agreement.
 - vii) Independent monitoring of activities carried out by the service provider through a professional engineering firm.
11. The expression of interest was advertised in the local and national dailies on 14th September, 2001 and the Project Brief Meeting was held on 28th September, 2001 to discuss the project.
12. The next stage of issue of tender documents could be taken up after the details of the project are finalized based on the recommendations of the One Man Committee and subsequent approval of Government.

Comments on the above document by the OMC:-

1. There is no reference to state policies on infrastructure or privatisation, or their existence or need. This is a very serious lapse which is likely to hinder any future planning by the GSIDC. Also there is no awareness of the Gujarat infrastructure

development act, 1999 (GIDA) which provides the necessary legal support and backing to private participation in infrastructure development. The GSIDC was formed on 20 February 2001, two years after GIDA enactment. There was ample time and scope to enact Goa infrastructure development act on similar lines.

2. In the absence of a clear policy on privatization and infrastructure development and a supportive act like GIDA, the GSIDC appears to have adopted a "trial and error" approach in identifying the sectors and the infrastructural projects. This approach, according to OMC is a political, social and economic minefield.

3. A critical analysis of the failure of the existing institutions and mechanisms which are responsible for managing, monitoring and developing the tourism infrastructure has not been carried out. There is no independent study supporting the cost-benefit analysis of tourism sector and its' trickle down effect. There is still dispute about the actual size of tourism economy. The official figures of state tourism department do not match with figures of the government of India or the master plan. The tourism industry has not volunteered for a true assessment of the tourism related revenue generation and domestic product, in organised, unorganised, formal and non-formal sector. The state government has no machinery or standard methodology to verify the turnover. There is a high possibility of under-reporting and revenue leakage. There are infrastructure development plans pending since 1990s for improvement of sewerage and sanitation, roads and traffic in the tourism belt of coastal Bardez. But these needs have been sidelined. May be a separate corporation would plan for sewerage and sanitation- which contradicts the stated mandate of GSIDC. There is no critical review of the present status of the beaches in Goa or the recognition of the need for a Goa state beach management policy and strategy. Cleanliness is an issue which is not just restricted to the beaches-it is a serious urban problem intimately linked to haphazard and unsustainable urbanisation. So only cleanliness does not qualify the beaches for developing a management plan. The selection of the beaches has not been made with any rational criteria except their "equitable distribution" which means the three beaches are equidistant on the map of Goa.

4. The model and the methodology behind the beach management plan is not clear. All the beaches of Goa are different. The villages/census towns in which these are located are

different. So, the replication of the beach management plan, "once developed at other locations" is questionable. Such photostatic approach is dangerous and often fails when the ground ecological, social, economic and cultural realities are encountered.

5. A beach is an evolving dynamic natural ecosystem and universally recognised as a part of public commons. The size of the beach is not as important as the participation of the local communities, the local stakeholders *from the initial stages*. That brings us to the original point- the state policy on privatisation, private participation in infrastructural projects in various sectors and the need of GIDA. The process seems to have been reversed by inviting the expression of interest- FIRST- that may look good from administrative and techno-financial angles but does it achieve any public good when the beach commons and natural ecosystems are involved?

6. The decision making process leading to the MBMP is silent about statutory role of the town and country planning department (vis-a vis the Regional plan, 2011 AD), the PDAs (vis-à-vis the ODPs and CDPs), the Municipal councils (development plans) in identifying and planning infrastructural projects as per their mandates. If these authorities/agencies have failed to discharge their mandated functions-then there is no specific and critical analysis by GSIDC and IF & LS specialists in this regard. Other states are encouraging the municipal councils in taking initiatives in infrastructural projects. The articles and memorandum constituting GSIDC do not override the acts governing the local authorities or the PDAs. This obviously leaves a huge gap in the public understanding of the government decisions and creates conditions for conflicts of interests over the jurisdictions.

The controversies

It is not the intention of the OMC to go into the origin of the controversy over the MBMP. The first presentation was made by IF & LS in May 2001. It is not known to this committee whether any objections were raised till 14 th September 2001. But it is clear that the public took serious notice from September onwards and the controversy snowballed into a major public issue in November 2001. Till the compilation of this report the controversy was not over.

The one-man committee (OMC)

The following chronology was prepared by the GSIDC on the committee's request.

CHRONOLOGY OF EVENTS LEADING TO APPOINTMENT OF ONE MAN COMMITTEE.

- a) The Miramar Beach Management Plan was advertised for Expression of Interest in the local and National newspapers on 14/09/2001.
- b) Based on the Schedule, a Project Briefing Meeting was held on 28/09/2001.
- c) The local newspaper brought about news of opposition/reservations from certain NGOs and sections of the local population.
- d) During the discussions in the Cabinet Committee held on 26/11/2001, whereby the entire cabinet was present, it was decided that the Chief Minister be authorized to appoint a Committee for hearing of public views.
- e) The One Man Committee was appointed by the Government vide Notification No.2/8/2000-FCC (Part II) dated 7/12/2001.

OMC's Comments on the chronology:- It appears that the government took a view that its' intention would be welcomed by the public. This is a mistake which previous governments had also committed. The controversies which erupted later were therefore expected. The public views should have been heard before the expression of interest stage. Again this is the question of a clearcut policy on private participation in infrastructural projects which is still to be framed, discussed and legislated to provide it some teeth.

The terms of reference (TOR):-

For any investigations the terms of references (TOR) are important. The methodology then follows the TOR. A notification was issued by the Finance commission division, Finance department, Government of Goa, Secretariat, Panaji-Goa, dated:- 7 th. December 2001, signed by the chief secretary, Shri Baleshwar Rai, by order and in the name of the Governor of Goa. The notification said that "the committee shall cover the following terms of reference:-

- 1. To receive written representations from the public based on the project information made available to public and to conduct public hearing on the project at venue and date, as indicated in the press advertisement.**
- 2. Study the project in detail and after taking into consideration the various submissions made by the public on the said project give recommendations to modify, and/or go ahead with the project or reject it."**

The Methodology of OMC

An examination of TOR showed that the OMC was expected to perform the following tasks:

1. To make available (through GSIDC) the project information to public
2. To receive representations from the public based on the Project Information
3. To conduct public hearing at a venue and date to be fixed
4. Indicate the venue and date of the public hearing to through the press advertisements
5. Study the project in detail
6. Take into consideration the various submissions made by the public on the said project

After the conclusion of the above basic process, the TOR gave a clear mandate to OMC to give recommendations to

- 1. modify (the project)**
- 2. and/or go ahead with the project**
- 3. reject it (i.e. the project)**

An interpretation of these three options by the OMC was as follows:-

- A. On basis of the study of the project in detail and taking into consideration the various submissions made by the public the OMC could recommend modifications to MBMP and with these modifications the project could go ahead;
- B. **Or** the project may not need any modifications and could go ahead
- C. **Or** its' rejection could be recommended after the end of the committees' work as the case may be.

The strategy of the OMC:-

The OMC , on the basis of 35 years of familiarity with the shoreline of Panaji city, having understood its' mandate, defined the Miramar beach from **ecosystem viewpoint** as an estuarine beach in Tiswadi Island, extending from Campal to the beginning of the rocky intertidal portions near Cabo point close to Aivao area and which is under the influence of the watershed of Altinho-Nagali hills draining to the sea along and across the Miramar beach. The OMC considered the holistic and integrated aspects of the Miramar beach management and did not necessarily confine itself to a small slice of 1.7 kms. included under MBMP.

The OMC decided that:-

1. From the date of appointment, it would not declare its' opinion on MBMP notwithstanding any position taken previously
2. It would have an open mind and would not respond to personal criticism through the press
3. It would have an open door policy for the members of the press for public hearing
4. It would not be influenced by the government or GSIDC or organisations and individuals but by the merit and logic of the points and arguments
5. It would not sit in the office and do only paper work but visit the beach area
6. It would not judge the issue by the numbers "for" and "against" the MBMP
7. It would look at the MBMP holistically from the ecosystem angle
8. It would seek the best scientific data on beaches and beach management
9. It would acknowledge the e-submissions by e-mails
10. It would not offer any clarifications on MBMP to the public but refer the public queries to GSIDC for comments
11. To be impartial it would not participate in any programme/debate/workshop related to MBMP but would be open to inputs from the same
12. It would make available interim data on problems related to beach management which would need immediate solutions notwithstanding the outcome of the process

Consistent with the above strategy the OMC defined its' methodology.

The methodology in brief involved the following:-

1. Survey of available literature on beaches, beach management plans and public hearing process.

Not all knowledge on beaches, beach management, beach management policies, plans etc. could be found on Internet. But what is found is indicative of the wealth of information in the e-domain. The following table gives cyberbibliometric statistics to show the wealth of electronic resources. Many of these documents were downloaded, printed and referred by the OMC.

Table 1 :-Cyberbibliometric exercise to find the current state of knowledge on beach management plans as available on Internet

Internet search term	<i>Web-documents found by www.google.com</i>
Beach	16. 5 millions
Beach management	4110
Beach management plan	718
Beach management policy	30
Managing beaches	64

2. Study of the Miramar beach management and development project in six volumes, all 213 pages made available, of which Volume II forms the core of the specifications;
3. Regular meetings and discussions with the officers (i.e. MD, GM, nodal officer) of the GSIDC and the consultants of IL & FS to seek clarifications and discuss technical drawings and details.
4. Drawing up the schedule for the public hearing and the written submissions
5. Opening a dedicated e-mail address miramargoa@indiatimes.com to enable the people to send -e-submissions.
6. Arranging for adequate publicity through the press-releases and advertisements
7. Identification of the relevant government departments/agencies/authorities to seek important details and discuss issues related to MBMP
8. Inspections and photodocumentation of the project site and the surrounding areas between Donapaula to Campal, as well as the opposite bank of Verem-reis Magos on Mandovi estuary
9. Inspection visits to Sinquerim, Candolim and Calangute beaches and photodocumentation of the beach activity for comparative analysis
10. Comparative study of the rules for conducting public hearing (Missouri revised statutes, chapter 260, environmental control section 260.400, August 28,2001; Board of supervisors public hearing rules of procedure, may 22, 1996; Public hearing rules and regulations, Coweta county commision, amended, Jan. 6, 1998) and the drafting of appropriate rules
11. The designing of the format of the Public Hearing Participation Form (PHPF) see Annexure .
12. Making appropriate arrangements for public hearing and conducting these smoothly with GSIDC acting as the liasoning authority
13. Arranging for videography of the public hearing process. Checking the typewritten draft of the transcripts of the hearings with the videotaped transcripts which were transferred to the Compact Disc (CD) and played back.

14. Meetings with government officers (Annexure) to discuss relevant issues arising out of or having a bearing on MBMP.
15. Arranging and undertaking a representative inspection walk on January 24 th 2002 from Campal to Caranzalem to examine the environmental and management status of the beach in the presence of the government officials and members of the public and hearing the fishermen on the beach at Miramar and Dando.
16. Organisation of the followup meeting on January 29 th, after the Inspection walk to discuss the issues identified during the walk.
17. Scrutiny of the press reports related to various aspects of MBMP , the functioning of OMC, critical comments about MBMP etc.
18. Preliminary scrutiny of the written submissions from the public received by hand delivery or by e-mail and their detail analysis before the finalization of this report
19. Scrutiny of the clarifications given by the consultants from IL & FS on the issues/ questions raised by the public on MBMP
20. Study of the expert papers/ articles/reports by the scientists from National Institute Of oceanography -Dona Paula (NIO) especially the papers, reports and monographs by Dr. Antonio Mascarenhas.
21. Reference to literature on privatisation, privatisation policies, infrastructural policies and acts
22. Reference to the Goa Municipalities act, 1968 as amended; PDA rules, 2000, and the Town and country Planning act, 1974 as amended.
23. Study of data, maps, drawings and reports provided on request to the OMC by the departments of PHE, PWD, captain of Ports, fisheries, health, NGPDA

Study of the project in detail:-

An important TOR was the study of the project in detail.

To make itself familiar with the ideas, philosophies and practices of the project management the OMC referred to the well known publication ' The handbook of project management', A practical guide to effective policies and procedures' by Trevor L Young, Kogan page india private ltd. New delhi, 1999.

The handbook defines project as "... a collection of linked activities, carried out in an organised manner with a clearly defined start point and finish point, to achieve some specific results that satisfy the needs of an organisation as derived from the current business plans."

The GSIDC made available the MBMP-information brief (draft) with the colour map of the site on December 8, 2001.

The OMC then requested for the detail documents. The following volumes were then made available to the OMC in January 2002. The cover pages of all these unbound volumes bear October 2001 as the time of preparation.

1. Miramar beach management and development project. Bid document for selection of Beach management and development firm

Contract Number: MIR-BMDP-C1

The above bid document is in 6 volumes, total 213 pages excluding the cover pages.

Volume-I, Invitation for bids, instructions to bidders, bidding data-total 31 pages

Volume -II- scope of work, technical specifications, performance specifications, environmental management specifications, works to be carried out by sub-contractor-sections-6 to 10-total 59 pages

Volume-III maps, data-6 pages, no maps or data supplied

Volume-IV, - section 13 to 22-Bid forms, Appendix to bid, format for bid security, power of attorney, formats of bank and parent guarantee, undertaking by bidder, technical bid schedule, preamble to price schedules, price schedules-43 pages

Volume-V- section 23 terms of concession agreement-23 pages

Volume-VI- invitation for pre-qualification- 51 pages

The OMC scrutinised all the above volumes. It was found that Volume II gives the details of the project and required more analysis. Volume III was not of much use as the accompanying data was missing. Volume I, IV, V and VI contained techno-financial and techno-legal aspects of the bid which the OMC decided to be of normal procedural nature and not worth commenting upon as these are standard sets of bidding procedures anywhere in the world. The OMC decided mainly to discuss the logistics of the preparation of the bid documents. So, the structure of the bid document, the models used to prepare these and the methodology adopted to collect primary and secondary data was discussed with Mr. Gaurav Bhola IF & LS in presence of the GM, GSIDC. Two architectural drawings of the facilities proposed at project site were studied by the committee.

How the OMC has arrived at its' recommendations, consistent with the TOR?

The final conclusions drawn from the study of the above six volumes of the bid documents, and especially the core document volumes I and II, were then compared and contrasted with the following valuable inputs:-

1. Knowledge of the privatisation efforts, privatisation policies, infrastructural development policies and specifically beach management acts, policies, strategies and the plans in the world gained from Internet sources
2. Analysis of the points made in the written submissions received from the public in December 2001 and January 2002, either by hand delivery or via e-mail.
3. Analysis of the points made in the public hearings on the basis of the typewritten transcripts and the reference to the replay of the video-recordings
4. Inspection of the project site in the presence of IF & LS consultants, the architect and the GM, GSIDC and the discussions held on the spot at Miramar In january 2002
5. Discussions held with invited government officials, the NGPDA, scientists of NIO and Panaji municipal council, the PWD, etc. from December 28 th to January 29 th.
6. Observations made during the Inspection walk of the beach on January 24 th. 2002
7. Comments and clarifications received from the IF & LS on the points raised by the public in the written submissions and during the public hearing
8. Perusal of secondary sources of information such as press reports on MBMP, reports of workshops, debates etc.
9. Scholarly and up-to date articles in the India Infrastructure report-2002 for a critical comparison of the GSIDC's and Goa government's approach to MBMP

The process of public hearing:-

The government issued the notification without giving any statutory support or the guidelines to receive the written submissions and to conduct the public hearing. So, it was entirely left to the OMC to choose the best possible methodology. The government had made it clear that the public hearing is non-statutory and first of its' kind in India. The

non-statutory nature of the public hearing made the OMC's work delicate and prone to criticism as the people began expecting statutory standards from OMC. Even the statutory public hearing process in India is far from perfect as could be seen from the representation of the Environment Support Group (ESG), Bangalore, submitted to T.R. Baalu, Union minister for environment and forests in October 2000 (Full text is available at the weblink:- <http://home.att.net/~spiderhunters/attachments/MoEF.rtf>). The ESG commented " Public Hearing Process

1. Quality of Information: The 10th April 1997 Amendment to the EIA Notification makes Public Hearings mandatory for all projects listed in Schedule 1. The process of calling for the hearing and the conduct of the same is defined. If effectively utilised, this could empower local populations tremendously in having some control over decision making processes that directly impact them. However, a critical area of concern remains the quality of information provided, as public has access only to the Executive Summary of the project and that prepared by the developer, giving room for advocating one's project rather than making an objective statement of potential impacts. Further, given the low awareness of the processes involved in industrial and infrastructural developments, the Public Hearing process may end up as a mere formality, if no clear initiatives are taken presently. There is a great role for public interest advocacy agencies to play here and increase the level of awareness of local populations and empower them with such information that would enable them to make rationale choices.
2. Experience of Recent Hearings: The experience from recent Public Hearings is that the project developer and the agency conducting the hearing are extremely secretive of the information. The Executive Summary is often a brochure and contains little quality information. People participating in the Hearings are becoming disillusioned and often this is breeding conflict, that very thing that Hearings sought to avoid. Considering the present move to introduce the Right to Information, there is clearly no need to make EIAs and related documents secretive as they absolutely do not impinge on the security of the nation. An amendment to the Notification is thus needed immediately to allow access to all detailed environmental information on the project to ensure transparency, build public confidence, negate conflicts and develop conditions with public input that is of a high quality.
3. Capacity Building: There is also an emergent need to train the length and breath of this country in the conduct of and participation in Public Hearings, including by developing modules and audio-visual programmes for training, so this healthy process is evolved to maximum public interest advantage.
4. Follow-up: The follow-up after the Hearing should also be made available to the Public, for instance the report of the Public Hearing panel. Also Hearings should be held post clearance and post project implementation to ensure proper compliance and develop confidence amongst the local community. World-wide, such healthy openness and engagement of local communities has brought reputation to regulatory agencies and helped protect the environment.
5. Widening the Hearings Base: Public Hearings should also be made applicable to project involving Forest Clearance and those with high impact that are not presently within the purview of Schedule I. Eg.: Massive automobile units are not

included, though they have foundries and thus have major impacts. The Toyota Kirloskar factory at Bidadi near Bangalore was cleared without Public Involvement even when the Special Secretary of the Karnataka Dept of Environment had insisted the need for Public Hearings. "

The dilemma faced on conducting non statutory public hearing:-

The public hearings conducted under Environmental Impact assessment notification of MOEF under Environmental Protection Act, 1986 for scheduled projects only provide for appointment of a committee, press releases and making available the Executive summary of the EIA report for the public. The OMC could not trace any central or state level guidelines for conducting public hearings of non-statutory nature. So, an Internet search was undertaken to identify available knowledge on public hearing. From the documents available on the Internet the process of public hearing in USA was scrutinised. The rules framed for different public hearings were compared and the rules for conducting public hearing were then drafted considering the local situation. Although initially it was not envisaged to videotape the public hearing, the OMC requested the GSIDC to arrange for the same as it would have aided the analysis of the public comments by playing back the tapes. Besides in case of denial of submissions , retractions or changes the video-recording would have been found useful. The OMC also received suggestions later during the public hearing that the copies of the videotapes on CD be made available to the member sof the public at reasonable cost. The most important aspect of the public hearing is its' organisation and the discipline. In western countries although the public hearings are open to all the citizens there are elaborate rules for the participants and arrangements for crowd control. The OMC initially explored the idea of conducting the public hearing on open grounds on the Miramar beach itself, or at the NIO seminar hall or the Institute Menezes Braganza hall. But adequate responses were not received to justify such arrangements. In fact many individuals who demanded extension of time to be heard later, actually did not turn up. The admission policy for participation in the public hearing was made simple by the OMC by providing the Public hearing participation form (PHPF). Anyone, desiring to depose was welcome to fill the PHPF and participate. And all those who filled up the form and remained present at the premises were admitted to the public hearing. A wide publicity was given to the rules for public hearing two days in advance, on which no objections were received. Individuals and organisations which demanded that the public hearing need to be conducted in the "full view" of the public could not produce any precedent in India and also failed to take into consideration the presence of the press and the wide coverage given to the proceedings as nothing was hidden from the public. The proceedings were always in full view and in case bigger crowds were to appear the OMC had prepared itself to change the venue immediately so as not to inconvenience the public. It was not understood by many citizens that non-statutory public hearings, unless specific rules and guidelines are framed by the government, are hearing 'of' the public and not necessarily ' for' the public. Any number of people could participate and be heard. No limit was imposed on the number of the people and the OMC waited till the scheduled time was over despite the end of all testimonies for the day. The local press has verified this fact, because the final testimony was over and no more PHPF were filled, some journalists left the premises and returned after some

time to verify whether the OMC was still on the job. It was. The press was welcomed and was not given any instructions to edit or embargo the proceedings. Since the conclusions of the OMC were not to be based on 'show of strength' or a vote, no need was felt to arrange a larger hall.

The OMC has noted that this was the first such non statutory public hearing in Goa. It was not perfect, nor ideal. Many deficiencies might have been left in its' organisation. But the OMC tried to give justice to its' mandate as best as possible. It is left to the government and the civil society to reform the process of public hearing and perhaps give it a formal and statutory shape.

The OMC noted that some citizens and spokespersons of organisations were familiar with the public hearing strategies but the majority of participants were somewhat tense and confused on account of unfamiliarity of the techniques, lack of training and probably distrust of the system. Those who had written their notes and rehearsed the points fared well in their submissions. Although time limits were fixed these were not strictly followed and adequate chance was given to all the participants to express their views on MBMP. Comment not directly or indirectly related to MBMP, personal allegations, aspersions, remarks against the OMC, political speeches, sentimental outbursts, repeatative testimonies were recorded on the videotapes but these had no use for OMC's work.

It would be pertinent to note here that the testimonies made in the public hearing were based on various strategies used by the participants. The OMC is not an expert on communication skills or social-psychology but it would be useful to see, how the civil society responds in Goa to important public issues and how the government plans certain decisions. According to OMC, the testimonies fall into - three type of strategies using Jean Mater's classification.

Jean Mater (1984), In "Public hearing techniques and strategies" has shown that most Public hearing discussions fall into one of 6 types of problems:

6. What the public wants - The **Public Consensus** Strategy

premise: public officials prefer to act in concert with their constituents. used when no clear "right" or "wrong" action has emerged—numbers decide the correct decision tactics: large numbers of persons testifying petitions, marches ,other evidence of mass support

disadvantage - requires superior leadership and organization to marshal a large number of volunteers

advantage - very effective...and may be used in conjunction with other strategies

1. The public interest - The **Public Interest** Strategy

premise: there is a public interest (considered good) that can be distinguished from private interests (considered bad) often used for environmental, health, safety, and natural resource issues

disadvantage - difficulty of identifying the public interest of a proposal—concepts of public interest and public good is tentative and tenuous

advantage - attractive for public officials, the media, and the public, works well in combination with the Public Consensus strategy, the Legal Theory strategy, and the Fairness Strategy

1. Proper procedure - The **Legal Theory** Strategy -probes for non-compliance of regulations or procedures -requires familiarity with regulations and frequently demands the services of a qualified attorney
 - implies the threat of litigation
 - claim of improper notice, inadequate opportunity to be heard, lack of a quorum, inappropriate action of chairman, violation of a regulatory procedure

advantage - independent from public consensus
disadvantage - cost

 1. Equitable treatment for all citizens - The **Fairness** Strategy
 - premise - basic human desire of public officials to make a fair decision
 - aim is to persuade decision-makers that only fair outcome is the one that favors a particular group
 - disadvantaged groups often use this strategy (the claim of "unfair" is often heard)
 - may be used to request that government intervene to protect certain groups

disadvantage - community polarization often results
advantage - appeals to the base instinct (ideal) of public officials
 1. Making wise decisions - The **Mistake** Strategy
 - prophesizes dire results as a consequence of a decision
 - often used when the Public Consensus, Public Interest, and Fairness do not appear to be working
 - advantage - plays upon the normal and widespread human fear of the unknown
 - puts decision-makers at greater political risk than other strategies
 - disadvantage - requires research and a skillful conductor to orchestrate the outrage
 1. Finding a compromise solution - The **Mitigation** Strategy
 - depends on the preference of public officials to please as many constituents as possible and on the desire to get something done—it is a reconciling, conciliatory strategy
 - most effective when initiated early in the public participation process
 - disadvantage - must be a sense of urgency for resolution of a conflict and willingness of all parties to reconcile differences (won't work if one party feels confident that he/she will win a total decision)"

For MBMP strategies number 2,3, 4 were seen to have been used. Strategies 1, 5 and 6 may depend upon the official response to the OMC's report.

The findings of the OMC

The unfolding of the process

The committee began its' work from December 8 th, 2001. An e-mail account miramargao@indiatimes.com was opened to enable the public to send their electronic submissions. The GSSIDC published advertisements about the availability of the MBMP information brief (draft). The last date for sending the written submission was announced as 14/12/ 2001. The date for hearing was fixed on 18 December 2001. The venue was the board room of EDC. Timings were from 9.45 a.m. to 6 p.m. excluding lunch hours between 1 to 2 p.m. The rules of public hearing were drafted and were published on December 15 th. 2001. In the meantime departments responsible for the management of Miramar area were identified and letters were sent to get specific information. By December 14 th 2001 in all 14 written submissions were received- of which seven were by e-mail. There were requests to extend the date for the written submissions and the public hearing. The main reason was the Christmas season, new year festivities and the

time which was considered insufficient by the people seeking extension. The OMC accordingly requested the MD, GDIDC and the CM to grant the extension by another five weeks. The government accepted this suggestion and the process of issuing a notification for extension began. By December 18 th, 2001 four more written submissions were accepted. The OMC made a detail inspection of the Donapaula-Caranzalem-Miramar coastal belt, including the beach, the roads on 15 th and 16 th December 2001.

Photodocumentation of the water sports activity at the DonaPaula jetty, the Aivao beach, the illegal deposition of constructional debris near Miramar roadside, the encroachments in the road widening zones etc. was made. This documentation proved useful to focus the discussion in the public hearing and also alert the responsible government departments.

The public hearing on 18th december had 23 participants, which included five spokespersons of NFPOs /NGOs, five individuals, five invited persons/ scientists/ government officers, and eight students representing five Legal aid cells. To seek extension 12 people appeared before the OMC during the public hearing. They were told that the extension would be considered on merit and the extended schedule would be declared in the press. The records of the OMC show that altogether nine NFPOs/NGOs and nine individuals had sought extension either for written submission or to participate in the public hearing. The extended schedule was announced in the press in December 2001. The government issued a notification to extend the time limit of the OMC by a further period of five weeks, culminating the conclusion of the process by February 1, 2002. The OMC requested the GSIDC to collect the details of the office bearers of the NGOs for verification of the spokespersons. Since the usual procedure for a registered organisation is to confide in its' office-bearers, general body or council as the case may and pass a resolution to take a stand on any public issue, unless blanket powers are vested in a single person/spokesperson, the OMC was not in a position to verify the claims of the spokespersons or those who had sent the submission on organisational letterheads. On the scrutiny of the list of the office-bearers of NGOS which submitted the lists, it was found that some members represented more than a single NGO. Some members appeared as individuals for the hearing and were also represented by their organisations. The OMC did not have the time to distinguish between "personal" views and "organisational" views. All views were ultimately considered as public views to be recorded. The scientists of NIO, namely Dr. Kalidas Sawkar and Dr. Antonio Mascarenhas made it clear that they were giving their "personal" views with "permission" from the director, NIO. It is not known to the OMC whether the NIO scientists use different yardsticks on different platforms. The OMC had sent an e-mail on December 21 st, 2001 to Dr. Mascarenhas to give an action plan for the beach nourishment from the Miramar roundabout to Caranzalem. The reply was received on January 7 th without any action plan. The OMC understands that there could be research problems/IPR issues/ technological secrets etc. but research may go on indefinitely while the sand dunes are getting destroyed- a fact which Dr. Mascarenhas himself had noted when he joined the inspection on January 24 th. 2002. The peculiar technical formalities of NIO and their unwillingness at the institutional level to volunteer practical solutions to the OMC need to be viewed against the backdrop of the participation and performance of the NIO on the debating and workshop platforms which discussed MBMP in the city. While perusing the documents submitted by PHE sub-division of the PWD , the OMC came across a report prepared by NIO (ref. NIO/SP-21/2000), titled "consultancy services for disposal of treated sewage

effluents in the estuary of river Mandovi at Campal, Panaji'. The PWD paid NIO a consultancy fee of Rs. 16 lakhs for the said report which has important bearing on Campal -Miramar-Caranzalem beach management, the environmental quality of water, impact on fisheries etc. This public funded report has been marked "for limited circulation only" by NIO perhaps as a matter of CSIR in-house IPR policy. The NIO has not disclosed the contents of the reports to the public. In the testimonies of Dr. Sawkar and Dr. Mascarenhas no reference was made to this very critical study and its' far reaching implications for the proper disposal of the city's sewage. The OMC has viewed this omission very seriously in the light of its' actual finding that raw sewage was getting discharged through a broken pipeline on the beach behind the indoor stadium at the rate of ten MLD, whereas NIO report studied by OMC had recommended an underwater HDPE pipeline 120 metres from the shore in the middle of the estuary. It is for the experts of the NIO involved in the consultancy for PWD and the government to verify the actual position the depth and the length of this sewage outfall. But the OMC intends to record here the cautious approach of the NIO in not revealing the likely environmental impact of release of untreated or partially treated sewage on the ecology of the Miramar beach and the coastal waters. On the basis of data already available with it, the NIO has to also advise the beach users about the quality of the water from Caranzalem to Campal and whether it is good for swimming and fishing. This is important for the health of the beach users and swimmers because the NIO report for PWD has mentioned that the waters of river Mandovi have been classified by CPCB as Salt water Zone II- designated for commercial fishing and recreation (non-contact). The NIO and the Goa government esp. the tourism department would have to solve the mystery of "non-contact" use of water for recreation. The OMC feels that the implications of this classification have not been understood by the swimmers/ bathers at Miramar beach.

The OMC made a study tour to inspect and photodocument the condition of the beaches in coastal Bardez tourism belt. The Campal-Miamar beach was observed and photographed from the northern bank of Mandovi estuary at Reis-Magos. Visits were made to explore the Sinquerim-Candolim sand dunes, the beach activities and the congestion at Calangute beach. An inspection was carried out of the entire beach from Chidrens' park Campal to Goa Science centre and important spots were photographed. These captured the then status of the coastal belt and subsequently were useful in pinpointing and highlighting the pending issues of beach and hinterland management in the meetings held with the government officers and the citizens.

The fresh dates for written submissions (January 15 th, 2002) and hearing (17 th January, 2002) were declared. Between December 20, 2001 and January 15, 2002, the OMC received 18 more written submissions. Of these only two were by e-mail. Although the date for the written submission was over, the committee accepted written submissions till January 17 th, 2002. By that date 11 more submissions were received. These included three different appeals in English signed by a total 7259 people. The OMC had no means to verify these signatures which included few thumb imprints.

For the second and final public hearing five NGOs and four individuals appeared before the OMC and their testimonies were recorded. From the 18 NGOs and individuals seeking extension, 11 participated and 7 remained absent without any communication with the OMC.

Officially as per the rules declared on December 15, 2001, the public hearing process was concluded at 6 p.m. on January 17 th, 2002. Since there were still apprehensions in the minds of some individuals and NGOs and especially the fisherpeople, the committee decided to take an inspection walk of the Campal-Miramar-Caranzalem beach on January 24 th, 2002. Press releases were issued to invite the public and NGOs to participate in the walk and the concerned government officers were requested to join and offer solutions to the existing and pending, unresolved management problems of the above area.

As scheduled the Walk began from the Old Medical College end of the Campal beach at 3.30 p.m. and after traversing a distance of about five kilometres concluded at Dando-Caranzalem near the Martins' beach corner at 7. 30 p.m. The findings of this inspection are given separately. To followup the inspection, a meeeting of the concerned officers was called in the EDC seminar room on January 29 th, 2002 at 11 a.m. which threw light on many facts which were earlier not brought to the notice of the OMC. Most of the government departments had provided the requested information to the OMC. But there was no response from the Goa state pollution control board (GSPCB) regarding the annual reports. The deputy town planner, also failed to supply the assurred details of the area acquired by the town and country planning department in Miramar. The video-records show that Dr. Kalidas Sawkar from NIO was requested to give a note on points for conducting the Environmental Impact assessment on December 18 th 2001, which was not received. The MS, NGPDA could not supply the inspection report and plan on drainage, traffic management for the Miramar beach area as assured and recorded in the public hearing on Dec. 18 th 2001. The NGPDA however supplied a copy of the ODP and a few other site maps indicating ongoing and proposed constructions in the Campal-Miramar area which proved very useful. The Captain of the ports and the director of tourism supplied all the data requested by the OMC. The degree of the co-operation extended by the government officers to the OMC was satisfactory.

The OMC did not receive any direct correspondence on MBMP from the members of the public or the NGOs between 18 th January 2001 to February 1, 2002. The OMC has however, scrutinised all the press reports on MBMP appearing till February 3 rd, 2002 , before compiling this report.

The written submissions

The OMC examined 47 written submissions (see the table 2) which represented 20 NGOs and 27 individuals. In all 7382 signatures were found on the submissions. Of these three organisations at sr. no. 33, 34, 35 submitted 7259 signatures.

Table 2
LIST OF SUBMISSION/REPRESENTATION ON
MIRAMAR BEACH MANAGEMENT PROJECT

SR. NO.	SENDER'S/NGO'S NAME/TITLE ADDRESS	DATE OF SUBMISSION	MODE OF SUBMISSION HAND/MAIL	REMARK
1.	Jagrut Goenkaranchi Fouz (JGF),		E-mail	Rejects MBMP

	Rep. By: Roland Martins, No.11 Liberty Apartments, Feira Alta, Mapusa 403 507			
2.	Capt. S. Varella, 2/F-4, Kamat Complex, Tonca-Miramar, Goa 403 002	8/12/01	E-mail	Rejects MBMP
3.	Gilbert Menezes, 43-A, Per-Seraulim, Colva PO, Goa 403 708	10/12/01	E-mail	Strong objections for MBMP
4.	Subash Nelekani, Landscape Architect, TCP Panaji Goa	10/12/01	E-mail	Suggestions for traffic improvement near promenade
5.	Percival Noronha, E-426, Fontainhas, Behind Mary Immaculate School, Panaji-Goa. Tel.: 225726	11/12/01	Hand Delivery	Opposed MBMP and advocated only cleaning of the beach
6.	Goa Su-raj Party Bernard D'Souza(Gen. Sec), H.No.383/A Pirzona, Moira Bardez. Goa 403514	12/12/01	Hand Delivery	Rejected MBMP
7.	Blasco Gracias, Architect, 1 st Floor, John Paul Bldg., Church Square, Panaji Goa 403 001	12/12/01	Hand Delivery	Opposed MBMP
8.	Sigaro de Souza, Wise Coastal Practices for sustainable Human Development Forum	13/12/01	E-mail	Suggested source of information
9.	Smt. Carolina Po, & Shri Agnelo Silveria, Councillors Ward 1 & 3, PMC	14/12/01	Hand Delivery	Expressed concern about impact on fishermen
10.	Legia Noronha legia@tele.les.in	14/12/01	E-mail	Rejected MBMP, offered alternatives
11.	Southern Birdwing Rep. By: Harvey D'Souza & Niel Alvares,	14/12/01	Hand Delivery	Opposed MBMP, made a case for protection of migratory birds habitat

	Bairo Fortawaddo, Nerul Bardez Goa 403 114			
12.	V.M. Albuquerque “Sylvia”, Circuit House Road, Altinho-Panaji Goa 403 001.	14/12/01	Hand delivery	Welcomed MBMP but opposed monopoly of service provider
13.	Avathanus D’Souza, D-13, La Marvel Colony, Dona Paula, Goa 403507	14/12/01	E-mail/hand Delivery	Rejected MBMP, championed community involvement and role for PMC
14.	Amay Shirwaikar	14/12/01	E-mail	Problems of traffic
15.	Nationalist Congress Party Rep by: Surendra Furtado, Dias Bldg, Ormoz Road, Panaji-Goa	15/12/01	Hand Delivery	Rejected MBMP
16.	Samir Kelekar	16/12/01	E-mail	Opposed MBMP
17.	Goenchea Ramponkaranco Ekvott, Rep. By: Matany Saldanha, Fabrica Bldg., Cansaulim P.O. 403 712 Salcete Goa.	18/12/01	Hand Delivery	Rejected MBMP but agreed on cleanliness part, strong case for protecting the fishermen
18.	M.K. Jos, Spokesperson, AGCCSJA, All Goa Citizen’s Committee for Social Justice & Action, B/4 Mayfair, 2 nd Floor, Dr. Dada Vaidya Road, Panaji-Goa.	18/12/01	Hand Delivery/ E-mail	Rejected MBMP
19.	V.V. Gharse, H.No.781, Agassaim-Goa.	20/12/01	Hand Delivery	Opposed MBMP
20.	Kasturi Desai, Lecturer, PES College, Ponda	24/12/01	E-mail	Concerns about sand dune flora and opposition to MBMP
21.	Mr. Saldanha R/o Caranzalem	05/1/02	E-mail	Opposed to MBMP
22.	Ashwin Tombat, Journalist & Researcher, D-12/c Government Qtrs. Altonho-Panaji Goa	07/1/02	Hand Delivery	Raised queries on databases and methodology behind MBMP

23.	Goa Foundation Rep. By: Dr. Claude Alvares, G-8, St.Britto Apts., Feria Alta Mapusa 403 507	11/1/02	Hand Delivery	Challenged public hearing and opposed MBMP on account of CRZ regulations
24.	Mrs. F. Soares, Kamat Classic, UG 3 Block 2, Caranzalem Goa 403 002	11/1/02	Hand Delivery	Requested for the status quo of the beach
	Sangeeta Sonak, Tata Energy Research Inst, Panaji-Goa.	14/1/02	Hand Delivery	Used legal theory approach to reject MBMP and contest public hearing process
26.	PMCA, Capt. Lea Lobo, E-74, Campal-Panaji Goa 403001	15/1/02	Hand Delivery.	Opposed MBMP and offered alternatives with involvement of stakeholders
27.	Annand V. Madgaokar, 5 th Floor, Nizari Bhavan, Opp. Cine National, Menezes Braganza Road, Panaji-Goa. (on behalf of 65 people)	15/01/02	Hand Delivery	Submitted report of the debate, signed by 65 citizens raising objections to MBMP and suggesting alternatives
28.	-do- (In personal capacity)	15/01/02	Hand Delivery	Specific suggestions on safety, cleanliness etc. MBMP opposed in present form
29.	Patricia Pinto, Councillor, Ward No.17, PMC	15/01/02	Hand Delivery	Rejected MBMP, offered alternatives to maintain the beach clean etc.
30.	Pramod D. Dukle, Radiologist, Damodar 154-Governor Pestana Rd. Panaji Goa	15/1/02	Hand Delivery	Opposed MBMP
31.	Sylvester D'Souza, Consulting Civil Engineer,] 2 nd Floor DiamondChamber panaji	15/1/02	Hand Delivery	Opposed MBMP
32.	Raj Vaidya, F/2, the Nest, Plot No.13-28 La Campal Colony, Miramar	15/1/02	Hand Delivery	Opposed MBMP
33.	Citizens' forum for opposing the privatisation	15/1/2002	Hand delivery	Rejected MBMP, with

	of management of Miramar beach (Panaji, Taleigao, Miramar, Caranzalem, Dona-Paula). Convenor peter Figureido, Borchem Bhat, Caranzalem, Goa			1665 unverified signatures
34.	Goenchya Ramponkaranco ekvott, rep. By Matanhy saldanha, Gen. Secretary, Fabrica bldg., Cansaulim, P.O. 403712	15/1/2002	Hand delivery	Rejected MBMP with 3212 unverified signatures
35.	All Goa citizens' forum , co-ordiantor, Auda Viegas, H. No. 172, Rua Padre de Miranda, Margao-Goa	15/1/2002	Hand delivery	Rejected the MBMP with 2832 unverified signatures
36.	Nationalist congress party, Goa state, Taleigao block rep. Lawrence fernandes, Taleigao block president, c/o Lawsons pastry, edsel apartment, shop no. 3, near rosary high school, Miramar tel. 420782	15/01/2002	Hand delivery	Rejected the MBMP
37.	Bailancho Sadd-Goa, SF-4, Goa Hsg.Board Res-cum-commercial complex, Journalist Colony, porvorim. Ph.: 410864	16/1/02	E-mail	Challenged the rationale behind MBMP and reasons for failure of government machinery. Rejected MBMP
38.	Gurudas G. Pai, 4/F-2, Kamat Estate Tonca-Caranzalem, Goa 403002.	17/1/02	Hand Del.	Rejected MBMP
39.	Mahesh Nagarkar, H.No.253, Boca-de-Vaca, Dada VaidyaRd., Panaji	17/1/02	Hand Delivery	Suggested modifications
40.	"Yuvak Sangh", Boca-de-Vaca, Behind Talaulikar Hospital, Dada Vaidya Rd., Panaji Goa (signed by 12 members)	17/1/02	Hand Delivery	Suggested some modifications
41.	Ramakant Redkar, Boca-da-Vaca, Panaji	17/1/02	Hand Delivery	Suggested some modifications
42.	Avadut P. Madkaikar, H.No.204, Boca-de-Vaca, Panaji-Goa	17/1/02	Hand Delivery	Suggested some modifications
43.	Goa Heritage Action Group, Rep. By : Raya Shankhwalkar, Jt. Hon. Secretary, 29/30 Green Valley, Kamat Complex Phase- I, Alto Porvorim Goa 403 521	17/1/02	Hand Delivery	Suggested some modifications in terms of landscaping etc.

44.	Shekhar Degvekar, Dew wada, Dr. Dada Vaidya Road, Panaji-Goa	17/1/02	Hand Delivery	Suggested some modifications
45.	A.G. Vaidya, Chinmay, Behind Hotel Goa International, Tonca-Caranzalem	17/1/02	Hand Delivery	Suggested some modifications
46.	Somnath D. Zuarkar, MLA Taleigao-Goa Tel.No.227729	17/1/02	Hand Delivery	Rejected MBMP, suggested alternatives and offered to take the lead
47.	South Goa Public Interest Action Group, I st Floor Benlix Bldg., Opp. FatimaConvent, Margao	17/1/02	Hand Delivery	Suggested modifications in detail, expressed reservations about public hearing

Analysis of public viewpoints from written submissions

The 47 written submissions could be classified into three categories as could be seen from the remarks column in table 2 and annexures appended to the report in Part II.

The public viewpoints could be classified as below:-

1. Those who rejected the MBMP outright- 20
2. Those who opposed the MBMP but offered alternatives-16
3. Those who suggested modifications-11

The numbers under each of the above category do not indicate the intensity of the points made in the written submissions.

The OMC has studied the submissions in detail and has arrived at the following conclusions. These conclusions could be verified from the contents of the 47 submissions.

- 1. People unequivocally consider Miramar beach as a special case, an unique beach, so far left intact as a valuable public asset, public commons unlike other beaches in Goa which are already congested and commercialized. People are vehemently opposed to any regulation or restriction on access to the beach but welcome notified free access points so as not to disturb the dune flora. They do not believe that facilities like landscaping and watersports, childrens' park etc. are required at Mirmar.**
- 2. The privatisation policy of the government, if any is not clear to the public. But there is some support for selective privatisation of some services like the non-mechanical cleaning of the beaches, safety, parking on landward side.**
- 3. There is no support for the single service provider as the people are suspicious of the monopoly nature and profit motive of the concession and skeptical of previous experiences of service providers as in the case of Panaji Park project leased out to the Mandovi hotels.**

- 4. People have challenged the jurisdiction of the GSIDC vis-a vis- the 74 th amendment and the devolution of the powers to municipal councils and the possibility of the emerging conflicts between the service providers and the government authorities.**
- 5. There are powerful ecological and environmental concerns like the inviolability of the existing sand dunes, the need for conserving precious habitat of the migratory birds like the plovers and terns and several other species sheltering in and feeding at Miramar.**
- 6. The fisherpeople need the entire waterfront/seashore to protect their livelihood and view any proposal for developmental activity on seaward side with concern. They are not convinced about the argument of development of only 1.7 kilometres of the Mirmar beach and leaving the fishing areas untouched.**
- 7. People are opposed to any interference with the existing, remaining dune ecosystem. So landscaping of the dunes is out of question. Natural dune building and scientifically executed, ecologically sound beach nourishment techniques are welcome provided these involve local/NIO experts.**
- 8. People have several suggestions to improve the present condition of the management of the Miramar beach and despite their disappointment with the government departments and the Panaji municipal council are willing to consider reforms involving the local authorities and the local stakeholders like the fisherpeople.**
The public trust doctrine, the precautionary principle and the polluter pays principle have also been focussed forcefully to oppose the element of privatisation of the Miramar beach management.

In the ultimate analysis,

From the 47 written submissions,

- 1.The OMC found a lot of merit in the submission by PMCA (annexure) which is prepared to draw an alternate and suitable plan in the place of MBMP.**
- 2. The OMC found a lot of merit in the submission signed by 65 citizens (annexure) with respect to the acceptable features of the MBMP**
- 3. The OMC found a lot of merit in the arguments put forward by Goenchya Ramponkaranco Ekvott (annexure) from the human rights, livelihood angle of the traditional trustees of the beach-the fisherpeople**
- 4. The OMC found a lot of merit in the eco-ornithological argument based on the field studies, presented by Southern birdwing (annexure) about the habitat of migratory birds**

5. The OMC found a lot of merit in the legal theory argument of Ms. Sangeeta Sonak of TERI (annexure) opposing the MBMP

The OMC also considered the views of the public heard on December 18 th, 2001 and Janauary 17 th. 2002. The unedited transcripts, which are corrected only for spellings and grammar are produced below followed by the OMC's comments. The committee has highlighted important statements which were taken into consideration in the final analysis alongwith the points made in the submissions and the MBMP project report.

The transcripts of the The first public hearing

Public Hearing by the One Man Committee on 18th December, 2001

The Public Hearing commenced at 10.50 a.m. in the Board Room, EDC House, Dr. A. B. Road, Panaji-Goa. Shri B. S. Pai Angle introduced Dr. Nandakumar Kamat, the One Man Committee appointed by the Government with regard to the Miramar Beach Management Project. Shri Angle apologised for the delay of about 45 minutes and the proceedings commenced as follows:

1. Name of individual: Ms. Devika Sequeira. She was represented by her Advocate, Aires Rodrigues. He informed the Committee that he has filed preliminary objections to the scheme and requested the Committee for extension of time of about a week or so as he could not get the relevant data to back up his submissions. He also raised objections that the inquiry was being conducted within the premises of the Corporation which he thought was very bad in the eyes of justice and law.
2. Name of individual: (**invitee of OMC**) Cdr. Arun Patil retired member of the National Institute of Water Sports (NIWS) which is a Ministry of Tourism, Govt. of India undertaking. The Committee invited Cdr. Patil to give his views. Cdr. Patil said that he felt that the main objections from the general public to such projects are because of the word “development” because of his experience that it leads to planned growth and that is why everybody is against such development. If it is well planned there is no problem. **There are many vague statements and loopholes in the Project Report.** He felt that the safety on the beach should be of prime concern for any development which should be clearly laid down so that there is no margin for anybody to play around. Implementing the safety is going to cost many in terms of qualified personnel. There will be a tendency for people to find cheap methods of safety which is merely an eyewash. He said that he had offered his limited expertise in this field and felt that the safety should get more precedence. Beach life guarding is not something new. All over the world it has been prevalent for the last 78 years so there is enough experience available. It should be brought out that beach safety will be not be implemented in a half hearted manner. **Some beaches are inherently unsafe specially for recreational users because their nature is generally not known to them.** Inherent unsafety of a place is an investigative process

and we have agencies like the NIO who should be able to decide whether the place is safe or unsafe. Safety has sometimes transient factors. What is safe today may not be safe in the monsoons. All these factors NIO should be able to look into and be able to give a clear picture as to which areas of the beach are safe. This is the first aspect. The second aspect is the quality and training of the beach life guards. **Qualifying standards and some ability criteria have been put down by various international agencies and Ministry of Tourism, Government of India has also promulgated certain safety norms. These norms are in force for one year but still we find that beach life guards in Goa and Kerala are only there because they have been posted.** The Central Government cannot put down any regulations, State Govt. has to adopt whatever is suitable. Committee asked Cdr. Patil if there are any safety norms to this effect in Goa to which Cdr. Patil replied in the negative. He further stated that we can afford to have an untrained clerk or assistant but we cannot afford to have an untrained life guard because you are playing with the life of somebody who trusts you. Abroad nobody can be put on active duty unless he has a certain certification. His request was that we take these norms and apply them strongly as we owe it to the tourists who come to the beaches. We should make sure that that the person who claims to be a life guard is actually in a position to do his job. Secondly regarding infrastructure, it is specified in international regulations that nobody should attempt unaided rescue. Even then we have lifeguards with bare hands. It not only endangers the rescue but also endangers the second life of the rescuer.

Committee asked if he had made any independent review. Cdr. Patil said that the equipments are standard for beach units. These equipments are specific equipments that which the life guard is trained to carry out the rescue. Having a life guard and not having the equipments is as good as not training him. There are rescue boats and during the course which the institute conducts we train them to use these equipments. He was asked to comment because in his e-mail he had written about the safety of the Miramar beach.

Cdr. Patil asked why an engineering firm is required to monitor the water sports and safety aspects. Committee also asked what are the bodies that are supposed to give such comments? One of the body that can help is NIWS, it is one of the agencies. On page 3 D of the same page typical vague statements are made which should be clearly specified exactly what regulations you are talking about. Public Safety C 1 - with trained and certified life guards. This must be specified because a service provider will say that they have trained and they are certifying - this does not mean anything. Regulations of the certification agency and qualifying standards should be specified. Page 3C - Cdr. Patil would like specific definition of "trained and certified life guards". Page 4 - Water sports conforming to Govt. of India water sports. In my capacity of member of a Govt. body, these regulations are not authorised. Cdr. Patil presented to the Committee a booklet titled "Safety and Quality norms for water sports" published by the Ministry of Tourism, Govt. of India. This would form part of the records of the Committee. What do you mean by view towers, I do not know if it means observations towers. **View towers must mean observation towers for the life guard to see if there is any life in danger.** Committee wanted to know the existing water sports facilities, what safety norms are prescribed for this facility at Dona Paula Beach. Committee displayed photographs of the water sports activity at Dona Paula jetty and sought opinion from the safety angle. **Cdr. Patil said that the water sports activity at Dona Paula jetty was most popular among the domestic tourists and we observe that there was no criteria**

as to who can give rides to the customers, what qualifications he should have and how does the customer know whether this person will actually be able to give him a ride for which is he paying. We advise a course based on the Royal Yacht Association which mainly like an RTO test. A pre determined circuit is laid down and every skill is tested, whether he knows if he is going against the current, figure of eight etc. However, we realise that this is not enough and we also ask them about the current and tides and waves. We advise a course which is typical to the Indian situation and at that time there was Dona Paula Boat Association which was existing and this association was asked to make sure that all their members undertake this particular training. However, the NIWS is not the enforcing authority and should be enforced by the State Tourism Dept. Anybody who rides a boat should be able to carry out a rescue. We have even come across a person who was a non swimmer. Now it is mandatory that a power boat handler also obtains a certificate of life saving. In addition to that I have noted that most of them tend to wear a life jacket and if this is properly fitting and correctly buoyant, the activity would be fairly safe as far as Tourism Dept. is concerned. Getting in and out of the boats is fairly organised as they are co-operating. If we ensure that people are wearing a correctly fitting life jacket there is no problem. If a small child wears a big jacket it will not help. Same as helmet, if it is not properly buckled it will not help. NIWS is a Central Government association and we are not directly involved in what is happening in the State unless the State Govt. asks us to do. In the previous years Tourism Dept. used to ask whether they are meeting the norms. We used to issue a written clearance regarding equipment, manpower. We are only in advisory capacity, it is for the state to decide regarding implementation. Since we are located here we like to offer our services. **Cdr. Patil said he wanted to make a general remark that if we invite tourists to Goa as a beach destination and if we do not provide them the activities that are required at the beach then we are not really justified in calling ourselves a beach destination.** We should provide beach activities to tourists who come to this State.

3. Name of individual: Shri Jose Carlos de Veiga Gracias representing the South Goa Public Interest Action Group, NGO. He informed that 5 days is too short a time for a project of this importance. Committee asked him if he sought an extension and the extension would be considered on merit.

4. Mr. Borkar, Member Secretary of NGPDA.(invitee of OMC):- Committee asked him what is his mandate and what are his duties and responsibilities to which he replied that **it was planning matters, issue of development permissions besides other related issues like illegal constructions, etc.** He was also asked if the beach area that we are talking about is covered by NGPDA and if there is any prospective plan for the area. Mr. Borkar replied in the negative and said that we are following CRZ regulations and only after getting clearance we give the permissions. We also give our views. He was asked if an ODP was prepared. **Miramar beach is not part of the ODP. We have of the land side but seaward side there is no specific plan.** The Committee wanted to know from Member Secretary the area where sand dunes/dune vegetation are located and if they are aware if any sand dunes are located beyond the road. **The Committee would like to record that the PDA does not have any specific plan of the sand dunes.** Committee would also like to know from Member Secretary the construction which is coming by demolition of the sand dune near Miramar Beach, close to Serenity - is it a sand dune or

not? Is it a permissible construction that is going on in the beach area? M.S. said that we might have issued the permission. The Committee showed some photos of sand dunes and sought the views of the M.S. Is there any secondary supervision of the construction site? Sand dunes are very important part of the CRZ. There is no proper marking of the sand dune in the beach area. I would like to know whether there is any supervising or monitoring to see that sand dunes are not touched or demolished? After giving licences do you have any inspection on the site? M.S. replied that only after completion they come to us. The beach forms an important part of the CRZ. There are Supreme Court decisions. There is an authorising agency to take up these issues but due to political interference or there is a gap in the law. As far as drainage is concerned what is being done? Is it environmentally suitable? PDA has no role to play. You are dealing with land use management. It is spatial planning that you are dealing with. Is that spatial planning? Is the drainage management close to the beach satisfactory? M.S said he would investigate. **It may be recorded that they will have to investigate all the constructions coming up in the area and drainage pattern with the help of the Science and Technology Department.** The life and integrity of the beaches and the sand dunes are under your control. Do you have any control over the FAR? What is the height that is stipulated in building code in the beach area? Landward side from the beach within the beach area there are certain zones. 9 metres is the limit. Why is 9 mts. Height kept what is the rationale? M.S. was very specific about the elevation control by his department from the height of the coconut tree. What comes above the height of the coconut tree is illegal. M.S. said it is fixed mostly for the village areas. In case of Miramar it is slightly relaxed. Is 11 or 12 mts. Allowed in Miramar area? The committee would like to record Member Secretary's submission regarding the break in the elevation that are coming up above the height permissible. There are 3-4 constructions that have already come up above the height of coconut trees. This is clearly in violation of the rules and is aesthetic pollution. The Committee has pointed out the projections which are noticeable at any time which are considered by the Committee as aesthetic pollution and what would be the line of action in case of existing violation and proper line resource management. One particular sand dune has been demolished. There are a number of existing sand dunes which are not shown. Sand dunes are to be protected. Whether they are public properties or private properties and whether the sand dunes are allowed to be converted under CRZ rules. Sand dune is an important part of the beach eco system and Committee is concerned about the erosion taking place. Any specific plans for traffic control? To bring this whole plan in to the picture, is there any special land use plan in Miramar area? The ODP, the settlement pattern, land use, construction licences that you have given and also projected traffic density, vehicles need new roads. What are the specific comments that you have? M.S. - We are yet to revise, only after receiving the new project it will be prepared within a short time. How long - 3 to 6 months? M.S. - 2 months. What will be the objections to that plan? It will co-ordinate with the Beach Development Scheme. We will be part of this project. Comments from Town and Country Planning Department are sought. Do you have any role to play to connect new roads, do you have any regulations so that there are no dangerous junctions or blind spots? M.S. - we are looking into the matter when we give final NOC. Have you carried out any survey of the present status of the present management or mismanagement from Rotunda to Cabo? Do you feel there is a need?

PDA Member Secretary was very specific about the lack of detailed survey of the existing roads. Because of concentration of constructions that are going on there are bound to be traffic hazards at every 200-300 mts. Are you going to come out with an overall traffic plan or only specific for 1.7 kms. Beach area? **M.S has submitted that there is a need for holistic management of roads as well as traffic pattern in Miramar area in specific 1.7 kms stretch referred by the Govt.** PDA has no say in so far as sanitation and design of soak pits is concerned. Do you have any authority or mandate notification for the land developer or user when he submits a particular design? What is the present situation? Do you see only from planning angle or other facilities which are necessary for the settlement to be functional? M.S. - we are intending to impose on guidelines on new colonies. You have not seen the requirement of sewage disposal in Miramar. Colony of 50 tenements, 100 or 200 tenements will have different requirements of sewage disposal. Do your rules provide for such disposal? M.S. - we are amending some of the rules. We have standard sizes and our Health Officer certifies. By giving liberal licences in a sandy coastal belt, there is pollution of ground water and epidemics and other infrastructure problems arise. People suffer thereafter. Do you just leave it to the developer? Municipal Sanitary Inspectors do the inspection and that way we co-ordinate with the Municipality. We recommend the permission with specific conditions. At the time of completion certificate we see and tell them to issue an occupancy certificate. Where sanitation is concerned there is stagnation of water right from Miramar to Caranzalem. The old Portuguese system of drainage is destroyed. One of the aspect that goes into beach management system is guaranteed sanitation of the area fixed on the beach. It is entirely dependent on the level of sanitation in the area. Past history shows that this has become a malaria epidemic zone because water gets stagnated in small pools and ponds because of hectic construction. The Committee would like to know from PDA as an authority whether they have paid any specific attention so that stagnant pools are not created. Do you have anything to say about the land use change in Miramar Coastal Zone, the construction activity, creation of stagnant water pools producing mosquitoes, the incidence of Malaria which is reported and which does not show a trend of decline. For Projecting the beach, the sanitation is very important for the Govt. What are your plans so that the past history of epidemics does not repeat? M.S. - we have not gone through it in detail. **We should place the proposal in Town and Country Planning Meeting and prepare an outline development plan which will consider all these aspects.** Were these concerns pre existing. How can you say that it will be incorporated now? Whether the PDA has got its submission of its own. Any beach management plan has to be connected to over all spatial development landward or seaward. How do you propose to build this concern within 2 months or is it limited to 1.7 kms. The whole beach is one single unit. The Committee would like to know the PDA's policy on this. Public health is a consequence of faulty development in the coastal area. What is your considered view on this? We would like to know your specific plan as a NGPDA. To improve the quality of life of citizens who are utilising the beach. **M.S. shall give a written submission on the aspects of roads, sanitation, sewage disposal, based on policies. A note is desired on all the above angles. Compliance report on the ongoing destruction of the sand dunes and violation of the HTL.** If and when any beach management plan comes into practice the question will be with the constructions on the landward side, there will be no

value for the beach A note may be submitted within the Committee's tenure. Is the HTL line surveyed by the environment department.....? You can directly get in touch with the GSIDC officials. Please give copies of both the plans and submit to GSIDC.

5. Name of individual: Ms. Patricia Pinto - Councillor, Ward No. 17, Panaji. I had asked for some clarifications which I did not get. It may be recorded that Ms. Patricia Pinto has requested time for granting extension.

6. Name of individual: Mr. Averthanus D'Souza, President of Goa Environment Federation. Basically the main point that we want to make is the Govt. wants to maintain the beach in its pristine condition. **Any development violates the concept of its being pristine. It would destroy the pristine nature of the beach.** The other point is that by giving the entire beach to a service provider, you are creating potential for dispute vis a vis the Municipal Corporation, Tourism Dept. Police Dept. There is no detailed account what issues are going to be handled. Normally traffic control is the jurisdiction of the traffic police but they say that the traffic will be controlled by the service provider. Similarly crowd control is looked after by the police who are normally responsible to control the crowds. Will the police wash their hands and so also the same with Tourism Department which is maintained to provide service facilities. **These facilities are going to be given to the service provider, what happens if there is a dispute between Tourism Department and service provider? How many Committees are we going to set up? These needs are not thought about in the plan.** We oppose the plan as it is as of now. The Committee would like to know from Mr. D'Souza his knowledge of Miramar beach area. How long have you been living there? Once a week at least I have been visiting the beach. The Committee showed Mr. D'Souza some areas were some construction debris have landed. Mr. D'Souza - we have taken up this matter and first of all they have not been able to identify who are the people who are dumping the debris on the beach. It is the people on the other side of the road. We identified one truck and took up the matter. The Committee asked him what was the solution according to him? Prohibit dumping anything on the beach and the Panaji Municipality must identify a dumping ground. This is an ongoing activity which you are aware. Have you seen the new project "Serenity" that has come up on the sand dune? Why is this coming up according to you since sand dunes are very important. NGDPA and Panaji Municipal Council are the reasons What is the remedy? The authorised bodies should be made to do their jobs. Have you made any representation? No we have not. Dona Paula jetty photos were shown. Have you any comments? The NIWS is less than 3 kms. Away from the beach management area. Why should there be any additional water sports? The consequences are going to be negative. It is going to disturb the fishing area. There are at least 3 associations of water sports in the Dona Paula area from the jetty right up to the beach area. What type of regulations? What is the capacity to hold so many different types of water sports activities? There are so many associations and ski and jet boats and they will be falling one on top of the other. Have you recognised these deposits on the Miramar Beach? I would like you to identify them. Basically there is a existing vegetation on the beach. Do you have anything to say on the sand dune flora? It should be maintained and not cleaned up. When there is natural growth there is no need to plant any more. I think that the plan itself is full of contradictions, not sufficient information is provided to the public and the time that was given to us was totally inadequate. People

are asking for the plan and it is not available. Unless one sees the plan one cannot identify and we are asked to make statements without studying the plan. Time was not adequate. Give more time to the public to study the plan.

7. Name of individual: Capt. Leo Lobo, General Secretary of the People's Movement for Civic action. He has asked for extension of time in order to gather more data.

8. Name of individual: Durgesh Shisany, resident of Panchawadi, Curchorem – individual capacity. He was just curious to know about the project. He has studied the project report but could not get the drawing. He also said that he did not get the site plan. He wanted to know what would be the revenue generated and if they are going to charge the public for the services then it should be in control so that the general public will not be grabbed. **Also the ecological balance should be maintained as erection of any structures will disturb the beauty of the beach.**

9. Name of individual: Shri Annand Madgavkar, representing Miramar Baywatch Association. He has sought extension of time to make a representation and will participate in the next Public Hearing.

10. Name of individual: Shri Ashwin Tombat. He has sought extension to file a representation.

11. Name of individual: (invitee) Shri B. G. Khandeparkar, retired Deputy Director of the Goa Tourism Department, Government of Goa. He retired in September, 2000. Among the other projects that he was asked to look after, one was Miramar Beach. Miramar is a long beach and it may not be possible for the Government to maintain the whole beach so they used to maintain only a part of the beach. Labour was provided with some brooms etc. Tourism Dept. fixed some dustbins for the labourers to put the garbage. Timings were indicated of the high tide and low tide for the benefit of the tourists. **Some coconut saplings were planted to provide greenery and shade to the visitors. They are growing and are now giving revenue also. Toddy tapping is the revenue that is got and the tourists are getting shade.** Shri Ulhas Kamat encouraged him to plant more coconut trees through the Forest Dept. Because of paucity of funds they could not go ahead further. **The beach along the waterside belongs to the Govt.** He had asked the Town & Country Planning Department to give a plan as to who owns the beach. Food Festivals were organized during his time. There was a small platform to which had an extension of electric wire so that students could plan on the platform. They wanted to provide entertainment to the visitors. **Umbrellas were provided and chairs for elderly persons as there is no proper sitting arrangements on the beach specially for old people.** It is not possible for Govt. alone to provide all facilities. **He was of the opinion that some part of the beach should be privatized and provide services.** In Colva and Calangute Govt. permits temporary shacks. We should think about providing such shacks and identify the area. Proper footpaths and parking facilities should be there. He was asked how he would define privatization of the beach, who should do it and how long he had been working in the Govt. service in Tourism Dept. He said he worked for 20 years. Committee asked him "What is the change that you have noticed as compared to when you took charge of beach management and when you retired. What changes

have occurred in the area around the beach? **Right from Miramar to Dona Paula it is all exposed, people are entering from all sides and there is lot of dumping of garbage.** The Committee showed the photographs of construction debris that is thrown on the beach side next to the sand dunes. Mr. Khandeparkar said that they had taken up the problem with the PMC and they said they would look into the matter. Committee further asked - **What according to you should be done to stop such debris dumping?** **We could post a police and he could challan the vehicles and identify the person.** You must have seen that there are many sand dunes in the area. You must have also noticed that you had to level some of the sand dunes. What according to you should be done to protect the sand dunes? Lot of sand dunes have been demolished. We did not level the sand dune portion. The mature coconut trees and new coconut trees would you be giving on lease? Shri Khandeparkar informed that coconut plantations were raised through the Forest Department and leased out by tenders. Tourism Dept. The road has created more access points now. Before it was from Miramar circle only upto the Sulabh toilets. A retaining wall was built which was not existing during my tenure as lot of sand was being carried on the road side and therefore a wall was built to stop that. It was built by the PWD. **The exact ownership of the area maintained by the Rotary club is to be identified.** Committee asked - Do you find difference or disappointment today from the time you retired? We see some change. It is not possible for the Govt. alone as it is a very long beach. Beach cleanliness is the Govt. duty or private concern? Is it possible for the Govt. to do it? **Not possible as the Municipality has their own limitations.** **What is the solution? Better to privatize. We can give them permission to put up some water sports, advertisements can be put up, shacks, etc. to get revenue.** Besides the facilities which your department provided what other facilities are required by visitors? May be sitting arrangements. Some elderly people cannot sit on the sand, they need some chairs. Now plastic chairs are available which can be placed with an umbrella or reclining chairs. Regarding festivals, do you know the consequences of these festivals? There is sound pollution and lot of litter is created when people consume refreshments and snacks. Are you for such activity or against such activity? I am for it. We also organized such festival at Colva and there was no pollution. It was better than Miramar. It depends on the people who are involved. It all depends on the attitude. **I am not against holding festivals on the beaches provided there is enough manpower.** There will be no limit for festivals, how do you ensure that the person who takes a contract on the beach to organize a festival would ensure that they have maintained the beach in its pristine manner and will not cause problems for the local people, noise pollution etc.? Is there any mechanism? **Mr. Khandeparkar was positive about the possibility of co-ordination between various Govt. Depts.in terms of organization of commercial festivals on the beach.** Have you seen the condition of the Colva Beach after the festival? Would you like to make any specific comments on the plan? Without creation of any new facilities or commercialization the Miramar Beach has to attract tourists. Just leave the beach alone, will it still attract tourists? What is required is cleanliness and additional facilities on the beach. They do not find anything at the beach. What do you think are the facilities that the tourists may need? **Catering shacks, illumination towards Caranzalem side, if not high mast small lights so that people can walk, beach sports, running sports.** We have to organize some sports festivals, events so that the tourists will be attracted to the beach. This is not possible for the Govt.

12. Name of individual: Dr. Kalidas Sawkar, from NIO. He has been staying in Panaji for the last 30 years working for NIO and wanted to make a point **that he is giving his own personal views and not the views of the Institute.** He was asked if there was any restriction of the institute to appear before the Committee. The institute cannot be represented by an individual person on such an important issue. It also includes the coastal management, tidal waves etc. We should always refer to the benefits of the local people. The fishermen are the local people or somebody who has stayed for at least 50 years. **This whole exercise cannot be taken up without doing a comprehensive study of the land and sea.** I have seen in the last few years very close to Miramar beach near the Youth Hostel how much erosion has taken place. Some years ago on a full moon night I alongwith some friends got down at GMC and started walking towards Dhempe College Hostel. We decided to sleep opposite the Miramar Hostel. We slept beyond the high tide line. There was 4-5 mts.between the HTL and the construction and we slept there. Today even at low tide the water touches the building. The complete bank of the River Mandovi from Chorao and Diwar upto Cabo is in a very vulnerable state. The system is changing most of the changes are taking place since constructions started since 60-70 years back. Most part of the banks of the Mandovi River lot of developments are taking place and changing water currents. Some parts of Miramar Beach and some part of the old GMC area erosion is taking place. The land was reclaimed to construct Kala Academy because of the beautiful view. A lot of land was reclaimed. The natural eco systems were not taken care of. Some photographs were shown What the Committee wishes to know is the integration between landward areas, their drainage patterns and the beach morphology, the disappearance of the beach etc. **I have represented my institute and mentioned that you have to do an environment impact assessment from Divar to Cabo so that you can take decisions what to do and what not to do in terms of development plans. It takes away the whole marine system.** I feel that the tidal waters are coming right inside because sand is excavated for all constructions that have been taking place. Sand depletion has taken place. Do you feel that for the construction they use saline sand. Yes they have used and will have problems. The Committee showed photographs of the construction 'Serenity'. What are the standard practices from CRZ point of view? CRZ is applicable from February, 1991. Whenever plan has been approved by the Government only 2-2.5 kms was constructed. On the landward side any development can come but on the seaward side no development can come up. You cannot develop the seaward side by altering the sand dunes. **Legally you can demolish a sand dune on the landward side.** It is left to the discretion of the people who are staying there. Legally it is OK. Most buildings are constructed on the sand dunes. There has to be a comprehensive environment impact. **The small curve near Aiwa village is a very potential fishing area.** Last 2-3 years the beach has become very vulnerable, sand is getting piled up that even rain water that flows does not come to the sea, it remains there in pools and you get malaria. Why the sand is collecting there only during the last 3-4 years? Dona Paula sports. Was any study done or is it required? There are around 100 crafts plus other fishing activity close to the Miramar Beach Management area. What do you have to say about this activity in terms or marine life. It has started in a very slow way during the last 10-15 years. There are so many crafts working there. It should have potential to breed fish in that area. There is scarcity of fish because of this. Integrated Coastal Management (IMC) is being implemented by the Department, does it

have any relationship to the Miramar Beach? It does not have any studies on the Mandovi and the Zuari Rivers. **Committee wanted a note on Miramar Beach in respect of ICMAM on the status of Mandovi River in all seasons.**

Final remarks: **There has to be comprehensive environment impact of Miramar Beach, land and water. We should study the area at least from Mandovi Bridge or if possible from Divar upto Cabo Raj Niwas and 5 kms.away from Cabo towards the sea how the land forms are changing, how the currents are moving etc. It will take minimum one year to give the report. It should also take into consideration the socio economics of the area, the people's livelihood and what happens to them.**

13. Name of individual: Ms. Sonali Nagvekar, Taleigao Legal Aid Cell. She said that she was totally opposed to privatization of the Miramar Beach as it is going to affect the people living along the coast.

14. Name of individual: Ms. Rima R. Naik, Taleigao Legal Aid Cell. She wanted to know how much the Government is expected to earn from this project. She also said that she felt that people who are staying on the coast will not be allowed any fishing activities and people will have to pay for the use of toilets etc.

15. Name of individual: Shri Gurudas Desai of Panaji. He said that he opposed privatization of Miramar Beach because **this project will be the first in India and the study that has been done may be based on European countries**, ours is different. Whether people of Caranzalem will be affected and what benefit will be given to them. Whether they will be compensated for dispossession. Whether the Govt. supports the project and whether there is a demarcation from HTL, which is the area given for local persons. Govt. has not demarcated area for free movement etc. What is the benefit given to the locals? Whether the companies will employ locals or search for skilled labour so that outsiders can be employed. Like in other beaches like Calangute, Colva or even Mumbai, Chowpatty there are 'gadas'. When one persons starts a gada others start and then it will be difficult to displace them. Same thing will happen in Miramar. How will this project enrich the locals of this belt of Panaji, will it benefit the rich people or even the people below poverty line. Photographs were shown of the activities that are going on the beach and he was asked what he had to say about this. He said that he had no objection for water sports that are benefiting the locals. All the boundaries cannot be privatized, sea access boundaries cannot be privatized. During the monsoons, during high tide all the wood and other materials come and settle on the seashore and the poor people collect and store it for their livelihood.

The Committee wanted to record that drift wood coming during the monsoon floats and gets deposited on the Miramar Beach and is a source of livelihood and means of fuel for poor people in the Miramar belt.

16. Name of individual: Shri V. A. Kamat representing the senior citizens staying in St. Ines. He has made a request that since he is going to Mumbai for 22 days he should be exempted if possible and extension be given till 12th January, 2002.

17. Shri Gurudas Pai has requested for extension and the testimony is closed.
18. Name of individual: Ms. Fatima Gonsalves, Calangute Legal Aid Cell.. She felt that the common people will be affected because they will be charged if they want to use the beach and as a result people will not be able to move freely. Coastal Federal Zone also will be affected. In Caranzalem one building has come up which has violated the rules. Cannot specifically point out the name of the party.
- Testimony ends.
19. Name of individual: Ms. Sushma T. Mandrekar, Mulgao Legal Aid Cell. We are against privatization because we feel we will not be allowed to move freely. The future generation will want to go and visit the beach because Goa is famous for its beaches, today it is Miramar, tomorrow it will be other beaches. Fishermen will have to pay money do go fishing. Even if we want to go to the Beach we will have to pay for it.
20. Name of individual: Ms. Pallavi K. Prabhu Salgaonkar, Taleigao Legal Aid Cell. We are against privatization of Miramar Beach because we have not been given a clear idea how to go about it, whether we will be able to go to the beach for jogging, etc. Abroad they have to pay a certain amount for use of toilets, etc. That standard of living is not applicable to Goa. Miramar Beach is close to everybody in Goa. The present Sulabh toilets are on the beach and it helps the people but constructions will start like shacks and as we know hotels are coming up on the beach after going through the decision of the Court they manage to set up hotels on the beach within the CRZ where construction is not allowed. Photographs were shown of Dona Paula jetty and Miramar new road where construction materials have been dumped. Can the Municipality not handle the cleaning of the beaches? It can be done without privatization. This works only in foreign countries. Miramar beach is the first beach you come across when you come to Panaji. We are opposed to this based on what we ready in the newspaper cuttings.
- Testimony ends.
21. Name of individual: Shri Shankar Mukund Phadte representing Sanquelim Legal Aid Cell. My first point of opposition is that privatization of beaches is not disclosed to the public or any other agency. In the absence of this it is not desirable even to have a discussion like today. The boundary of the State cannot be given to private party. The beach is a boundary of the State. Any private accessibility is not prudent or plausible. **Many people in this locality are depending on fishing and the plans that are brought to our knowledge does not say what will be the accessibility to the fishermen of the area, how much they will be allowed to interfere.** Fishing activities is of concern as it is the livelihood of the people. Wooden material comes during the monsoons and gets deposited on the beach. This wood is collected by the local inhabitants and they use it as fuel.

The Committee wishes to record that the source of livelihood of the poor people is the fuel.

What is the benefit to these local people. A very common and well liked beach like Miramar is denied easy accessibility and will cause public annoyance. **Only a particular income group will be allowed to use the beach. Conversion of land for essentially non coastal purpose is not known to CRZ and is not supposed to be entertained by the study.** Public jogging or cycling, what ever structures that may be constructed in this particular area should be essentially seashore oriented. Photographs were shown of the sand dunes. Why are the sand dunes getting demolished? Just because some people are taking advantage of the law and doing construction that does not mean that the Govt. should privatize the beach. Changing of landscape or using land for any other purpose should not be allowed. For commercial purposes kiosks may be set up It will set up a wrong precedence for other beaches in Goa. If I have the capital tomorrow even I can. I think that this project should not be given priority and should be stopped and the needs can be taken up by Government agencies. The Committee suggested that he give written suggestions to the Committee. The individuals would be requested to give submission in writing stating the aspects presented during the hearing for purpose of clarity.

22. Name of individual: Shri Jatin R. Naik representing Nature, Environment Society and Transformation (NEST). He said that he was opposed to any sort of privatization.

1. We do not know what would be the investment share of the Govt. and what share they have invited from the private parties. This is a disputed question.
2. Employment: **What type of employment is likely to be generated? We do not think it is going to benefit the local or indigenous people of Caranzalem.**
3. If employment is generated and if they need skilled labour I am not aware if Govt. has made it public to the local people whether they need skilled people or not. I do not think that people will be skilled enough to be employed there.
4. I feel that proper study has not bee done by the Govt. regarding privatization. On what ground do they want to privatize Miramar Beach.
5. Only those who have purchasing capacity will be allowed and the poor people who do not have purchasing capacity will not be allowed.

If jogging is given free of charge I am not opposed. I do not know if any construction is going to take place on the Miramar Beach. I think they will lease it to the private party and deprive people of their right to go to the Beach.

Committee sought to know Govt.'s policy on privatization of beaches. Whatever facilities are in the proposed plan. Apprehensions to constructions on the seaward side. Fishing rights of the indigenous people will be affected. If the Govt. is not clear, the private owner may restrict the fishing rights. About 100 crafts have been purchased by the local people and are getting income from these facilities.

I strongly oppose any sort of investment or entrepreneur from multi national companies, TNCs and any company from India or even public sector company

which is owned by the Central Govt. Does this kind of privatization exist anywhere in the world and whether study has been done.

23. Name of individual: Dr. Antonio Mascarenhas from NIO – he has come here on a **personal level with the permission of the Director**. He had three major points as far as this project is concerned. The value of the coastal ecosystem cannot be undermined. Coastal sand dunes are most important. What is proposed to be done as far as sand dunes are concerned, they are fast disappearing. What plan is proposed for the virgin area. Miramar beach is already overdeveloped. How is the annual decision of the CRZ from the landward side? Landward side destruction activities are going on. **On the seaward side there is concern raised by the citizens. The plan does not respect the sand dunes. Sand dunes migrate, they move and this will be stopped.** If sitting facilities are put where sand dunes are coming up they will die forever. There is a clash between the CRZ. There is a parking lot which comes right alongside the vegetated strip. There will be erosion within 2-3 years. There is no awareness of the eco systems. Landscaping of dune areas is ridiculous and should not be done. HTL as marked in the plan is doubtful. Where there is vegetation there is fresh water. The line where the water reaches is not the HTL. Papers have been submitted to Shri Angle. The area adjacent to the roundabout is full of sand. When the wind speed is high, the sand gets blown and there is nothing to stop it as the sand dunes have been leveled. Government should stop the access except from both sides. The sand comes on the road when the wind speed is high. This is because the dune areas have been removed. Construction of road has changed the sand deposits. Was no study done by NIO when this new road was done? In what way the road has affected the sand dunes. Restoration of sand dunes. There is a strip of about 300 mts. From round about to Science Museum where sand dunes have been leveled. Fences of bamboo one metre in height can be put so that the sand is blocked which will create artificial sand dunes. This has been tried in other parts of the world like US, France and Netherlands where they have been built to trap the dunes but in India it has never been done. The sand is lifted from the roads and thrown elsewhere. It has to be thrown back on the beach. In short – Value and importance of sand dunes, restoration of sand dunes that are degraded. Even one seafood festival will destroy all the sand dunes.

24. Name of individual: Shri Mathany Saldanha, on behalf of Goenchea Ramponkaranco Ekvott. Requested for extension.

25. Name of individual: Shri Shantanu Salgaonkar, resident of St. Ines, Calangute Legal Aid Cell. Regarding privatization of Miramar Beach, as a citizen of India a person has the right to move throughout the beach. No person can be curtailed. If there is privatization there will be curtailment of movement on the beach. He was asked to show where it is mentioned that the right to movement on the beach will be curtailed. He felt that there would be recreational facilities for which the common man will have to pay. Movement throughout the beach will be curtailed and we will have to pay for certain facilities. Sustainable development should be done without hampering the present situation. There will be more stalls which will dispose off

their waste which will be dumped into the Mandovi River and then the public will have to pay for cleaning of the beach.

26. Name of individual: Ms. Tejasvini Hiremath representing Mulgao Legal Aid Cell. She said that she had not read the draft plan so she was asked - "Since you have not read the draft plan and you have not made any representation, how could you have come for the hearing? She replied that she had come on the basis of newspaper reports and her objections were that the Government has not specified the HT mark, the area, which area is free for the public who do not want to use the facilities of the project. Any construction on the seashore affects the CRZ. She wanted that the plan should be rejected as it violates the CRZ. If one beach is privatized tomorrow all other beaches will be privatised so the next generation will not get a chance to go to the beach.

27. Name of individual: Shri Atul Sadre representing Mayem Leal Aid Cell. Fishermen who come for fishing in this area will suffer. Most of the people of that area go fishing along the coastal beach of Miramar. Their right to enter is violated and they will not be able to go to the seashore for fishing. Transferring of mining ore from a particular site to the main factory will be stopped because it passes the Miramar seashore side. People will not get access for exercise or jogging in that particular area.

28. Name of individual: Shri Victor M. Albuquerque, Civil Engineer for almost 37 years experienced in design construction in India and abroad. **Privatisation is a good suggestion made by the Govt. The project is good but it has to be implemented properly.** Non implementation in the correct way may make more problems and hassles. My submission is **privatization per se is a good system provided it is done properly, provided it is studied properly and provided there is transparency.** One of the projects that has been undertaken in Goa is the Tilak Maidan project. In privatization the contractor will have to spend his own money for developing parking areas, jogging areas, wending and unless and until these facilities which the Govt. proposes to make available to the public are studied and specified in the greatest detail it can tantamount to lot of development taken up by the contractor in collusion with the people who are at the helm of affairs. Do not privatize by giving to a contractor. The Govt. should undertake what it wants to do and thereafter let the Govt. give annually or bi annually to the contractors on rent. The Govt. can always remove and give it to another contractor if they are not happy. Tilak Maidan was prepared on privatization. The contractor was permitted to construct the entire North, South and West side and lease to hotels and shops under the stadia to create enough money. He was not getting sales and was not able to construct. Through various sources he had friction and he delayed the project for many years. If you give it to a private contractor there are going to be many legal hassles. The contractor is going to take the Govt. for a ride. Let the Govt. invest and then areas of parking etc. can be given otherwise there will be no control later on. If the beach is left as it is there will be more damage. There are about 5 to 8000 people during the weekend at the beach and there is no proper parking, rubbish is being thrown all around. There are a number of poor people who depend on the beach for picnics and other activities. Will

we be able to protect the livelihood of the people? **Please ensure that privatization is firmly in the Government's hands. We do not know who is going to take over.**

29. Name of individual : Ms. Sabina Martins, spokesperson of Bailancho Saad has requested for extension of time to appear again.

30. Name of individual: Mr. Peter Vaz, Caranzalem Citizens Committee – he has sought time and will come again for public hearing.

31. Name of individual: Shri Saltanat M. Kazi. With regard to privatization of the project, I am against it because if we start talking about privatization of Miramar Beach then we will have to extend this to all other beaches of Goa and **being public property it would be better to make provisions to raise funds to clean the beaches rather than thinking of privatization of the beaches.** You will be bringing in restrictions and developments against CRZ developments. All over the world developments on the beaches are restricted. The sand dunes are all gone off. The vegetation is going to be bad. The existing vegetation are helping formation of the sand dunes. Vegetation should be such that traps the sand and creates dunes. Provision should be made for the betterment of the beach itself. Tourists come to Goa because of the ambience of Goa. By privatization you are going to repeat what there is in other parts of India. You are going to kill tourism itself.

32. Name of individual: Shri Sajjan Bhatkar, Voter Council, Panaji has sought extension of time.

33. Name of individual: Dr. N.S. Dumo, representative of Goa Su-Raj Party. **Constitution amendment 73 and 74 deals with the devolution of powers to Municipalities in the urban area and similar powers to Village. Maintenance and cleanliness of beaches are statutory responsibility of the Municipalities.** What the Government is doing is passing its duties to service providers. Government is not competent. All the development planning should be done across the road and not on the beaches.

34. Name of individual: Shri Floriano C. Lobo, General Secretary, Goa Environmental Action Group, based in Mapusa. The beach management plan since its conception is bad in taste. It harps in the first introduction that it wants to maintain the pristine nature of the Miramar Beach and the whole plan trips the very fact that it is not going to be pristine any more. The beach is a gift of God to human beings. It is the only open space throughout the world. I have widely traveled to almost every corner of the world as a sailor and used many beaches at random and there is no menace of dogs and cattle on the beaches and people who are using the beaches as urinals and toilets. Are the service providers are going to clean the tar balls? Service provider is totally unnecessary to clean. That particular aspect of pollution on the beaches, partly it is international and partly local. We are situated on the coastal line on the international shore line where huge ships are crossing and going to the Arabian Gulf,. When they return to the Gulf they are required to go to the refineries with clean tanks and they have very limited time. The refineries want their tanks clean.

COW takes place and crude oil is discharged in thousands of cubic metres on the run and we are unlucky to get it all on Miramar beach.

Concern has been expressed with his long experience of seafaring that the oil carriers of the world are transmitting the crude oil waste in the Arabian Sea right from Cape Camorin to Persian Gulf. The residue of crude oil culminates into tar balls. The refineries have to take all the sludge and clean the sea. Govt. of India has to lodge a strong protest in the international forum so that the refineries take the intake as per international law. **Part of Mormugao Harbour lot of ships anchor by night and the waste is emptied in the sea under cover of night darkness and everything is out with the tides and eventually comes to the beaches.** In Japan floaters are put around the ship so that it is trapped and cleaned before it spreads elsewhere. Some of the beaches in the world like Brazil you are not allowed to take peanuts or drinks to the beach, you have to do it across the road and not on the beach. We are going to lose the beach forever if it is privatized. People use the beach for its pristineness. There are lot of areas in Goa where people can develop but we feel that this Miramar beach which is a gift of God can be cleaned by the will of the Government. There is vested interest and private money making racket and we will fight till it is scrapped. This will not be allowed in Goa because we do not want to lease our beaches. People come to Goa only because of the originality of our beaches. Prevail upon the Government to clean up the Mapusa river which be developed and used for water sports.

35. Name of individual: Ms. A. L. Figueiredo, resident of St. Mary's colony, Miramar – asked for extension of time.

36. Name of individual: Shri Harvey D'Souza representing Southern Birdwing – wildlife group. Our experience is in the name of tourism we have seen lot of changes taking place in the last 5 years. We have heard of the ropeway bridge from Panaji to Verem, Pomburpa springs have been destroyed, there is no definite structure to it. Change rooms were built and now it is no longer the same as it was before. It talks of cleanliness and aesthetics which we can have elsewhere. Tourists like Goa because it is quiet and peaceful. If you have big plans to privatize this part are we going to get the same unrestricted view? If the Government is talking of privatization for the sake of cleanliness why not clean the beaches of the shacks? We are talking of spoiling the beaches. Tomorrow it will be some other beaches. **Plovers are birds which should be protected. They come during winter to the beach, they will be disturbed. From October to April they come.** When there is noise and increased human activity it will frighten them away. Sports and cultural activities will drive them away. **It is the third largest wintering ground in Mirmar.**

The Committee would like Mr. D'Souza to submit a note on the wintering behaviour of the birds on Miramar Beach. He was asked to submit his representation.

The transcripts of the second public hearing

Second Phase of Public Hearing by the One Man Committee on 17th January, 2002. The timings were kept for this hearing to record the beginning and end.

10.18 a.m.

1. Ms. Patricia Pinto, Councillor, Ward No.17, Panaji Municipal Council.

Committee: You have mentioned that you have rejected the draft plan. You have also attached a copy of the Writ Petition of Bombay High Court. As far as beach maintenance and cleanliness is concerned, what are your specific suggestions to the Committee?

Ms. Pinto: **I feel that Tourism Dept. and Panaji Municipal Council can do the work.** I have also spoken to other NGOs and they are ready to assist. **I cannot see why we cannot manage the whole thing.**

Committee: Committee has done 3-4 inspections before bringing to the notice of the Government. People have no faith in the Government. Has NGO done any survey to pin point the blockage of drains and dumping of garbage? Has any report been filed by you?

Ms. Pinto: As far as drainage is concerned, for the last two years I have taken photographs of all the areas that have been clogged right from Altinho to Campal-Caranzalem. There are no drainage plans with the PMC. The old plan is lost. No body has the plan. There was a plan for the whole city right upto 1970. The plan was taken to the Secretariat for a meeting in the 70s and never got it back. I have prepared a plan of the drainage on my own. Most of the outlets are blocked. I have photographs of the main outlets that are blocked. Nothing reflects in the ODP plan. The ODP is not a complete document.

Committee: **The Committee noted with concern the observation made by Ms. Patricia Pinto that the location of sewage treatment plant and underground sewage network are not shown in the ODP for the PMC.** She referred to the Official Gazette, Government of Goa, Series I No.50 dated 10th March, 2000, page 705. Authorities were all called and shown the photographs in terms of service provider. The general idea is that people have been depending on the Govt. What is special about Miramar Beach. Do you have any policy for Miramar beach and another policy for Calangute or Candolim beach?

Ms. Pinto: **You cannot compare Miramar to Baga or Calangute Beach. This is a city beach of the residents. None of the residents have put up any shacks on the beach. The residents after their stress can come and relax on the beach. We do not want it to become like Calangute or Baga.**

Committee: There are lot of activities coming up on the beach like water sports etc. Can you have one law for Calangute and one for Miramar? Either you have a concrete policy for all the beaches as all are equally important. How do you see the future of Miramar beach after 5 years?

Ms. Pinto: Many more people will visit the beach if it is kept clean and pristine.

Committee: None of the beaches are pristine. There is no virgin beach left.

Ms. Pinto: The fault lies with the PMC.

Committee: What do you expect the PMC to do?

Ms. Pinto: The PMC should identify a dumping ground. A check should be kept to see who is dumping the debris. If the ground is not identified where will the people dump the

debris? Even having service provider will not solve the problem. Every person in Dando who owns a house has rented out their rooms to other people and have one toilet which is not enough so they use the beach.

Committee: Ms. Pinto strongly brought forth the issue of lack of simple public toilet facilities for the population close to the beach near Swim Sea Hotel and observed that people are forced to defacate on the beaches because of lack of facilities leading to unhygienic conditions on the beaches.

Ms. Pinto: All the drains have been destroyed and there will be flooding in the city even more than before.

Committee: **The Committee strongly feels that the concerns expressed by Councillor, Patricia Pinto regarding the connection between the water shed of Altinho at higher ground and the drainage of the low lying areas as well as ill maintenance or non maintenance of the drainage system which has outfall in the Miramar beach area.** The Committee suggests that Ms. Pinto should join a beach inspection which would be carried out in the presence of officers.

Testimony ended at 10.35 a.m.

10.36 a.m.

2. Adv. Aires Rodrigues appearing on behalf of Ms. Devika Sequeira, Journalist.

Adv.Aires Rodrigues: We had raised preliminary objection but we have not received any reply. This project is being supported and backed by GSIDC and in the interest of justice any inquiry should not be stage managed by them. If the inquiry is to be impartial, the very premises of the beach management plan could not be a party to the management of this inquiry.

Committee: This is my choice and there is no interference from any body.

Adv.Aires Rodrigues: I would like to exhibit the publications from various local newspapers. **There was an open discussion recently on the very scheme in Panaji where the whole audience strongly demanded that this whole scheme be scrapped.** People do not have faith in the Corporation which is promoting this scheme.

Committee: The Committee would like to know from renowned Advocate as the way the report came in the local newspapers whether **it is NIOs opinion or Mr. Elrich Desa's personal opinion.**

Adv.Aires Rodrigues: **He has expressed his personal opinion.** The objections that we have, are that you have referred that there is no privatization. The word privatization comes from the document itself. You cannot maintain the pristine nature of the beach by trying to manicure a beach and by trying to change the very concept the way it has been kept over the years. Can there be a separate policy for Miramar beach and another for other beaches? It is our submission that you suggest to the Government that it is high time that certain beaches be kept away from Tourism and kept for the people of this land. Today if we visit some beaches in Goa like Morjim, Palolem, the foreigners stop even the locals from visiting these beaches. We have been denied the beaches of our own land. Miramar is very unique and has to be kept the way it is. **Beaches are public properties and we cannot be stopped from enjoying public property. There is a ruling of the**

High Court, an affidavit has been filed that no commercial activities will be carried out on the beaches. Writ Petition No.55 of 1999. The Govt. has given an undertaking to the Panaji Bench of the High Court that no cultural, social or commercial activity would be permitted. This whole thing is stage managed. We request that the beach be kept the way it is and the people of Goa should be able to relieve their stress on these beaches. We should be able to walk freely on these beaches.

Committee: Suppose the citizens reject this proposal and business as usual continues on Miramar which is relatively less stressed and open and beautiful piece of landscape, what will be the future of this beach? There is dumping of raw sewage in the river, clogging of drains, dumping of garbage, destruction of drains, barge traffic which may result in oil spills. There is no Government interference in Calangute or Candolim. **If Govt. stops and business continues, 5 years hence what will be the effect?**

Adv.Aires Rodrigues: The Govt. has made it very clear that it would go by the report of the Committee. If the committee carries the views of the citizens the Government will not bulldoze and carry on with the project. The Tourism Department has failed in its duties, PMC also has failed and privatization is not the solution. If the authorities have failed we have to make sure that these problems are fixed. The solution to your question would be to ensure that these departments who have the inherent duty do their jobs in the right way. The Committee should suggest to the Government. There has to be co-ordination. There is no point comparing as the damage done to the other beaches is irrevocable. Let us limit ourselves to the Miramar beach and make the authorities act.

Committee: The committee would like Adv. Rodrigues to go through the interim solutions of the Panaji Municipal Council and give his comments.

Adv.Aires Rodrigues: Has the Panaji Municipal Council been consulted on this beach management?

Committee: Whatever the Committee has observed has been brought to the notice of the concerned authorities.

Adv.Aires Rodrigues: The PMC should have been acting on its own. The council has been very active on the recommendations of the Committee. My suggestion would be to kindly consider proposing to the Government that since we are concerned and since we are limited to Miramar Beach that in the interest of the beach and interest of the people using that beach, a Committee be formed with the local council, local citizens concerned to decide in which way the pristinity of this beach can be maintained. **This Committee can work in conjugation with the authorities. This is the solution.**

Testimony ended at 10.55 a.m.

10.56 a.m.

3. Mr. Carlos Gracias, President of South Goa Public Interest Action Group:

Mr. Gracias: **GSIDC should get involved into more important issues than Miramar Beach because the beaches in Goa are already getting good revenue from Tourism.** The name of the project is MBMP. However in the introduction it says that “The purpose of the project relates to .. which stretches and revealing them...” Why is plural being used if it is only one beach, is there confusion in the mind of the draftsman? The GoG is

admitting its importance to provide life guards to save innocent visitors from drowning. Regarding haphazard wild vegetation, we feel that experts should be consulted before using irresponsible language. Cycling and jogging track, skywalks, view towers, water sports facilities – **jogging track has already been completed at Altinho and there are water sports activities at Dona Paula existing.** Cannot the jogging or cyclist track be made on the road instead of next to the beach? We would like to know “which does not carry the burden of the past” what it means. The project takes into consideration the culture and tradition of Goa. In which beach of Goa there is cycling/jogging tracks. Does the CRZ permit any permanent structure on the beach? Miramar Beach promenade has not been described anywhere. In what way it is going to be managed. The service provider will manage the traffic only at Miramar Circle. In what way public access will be managed? Landscaping will be by service provider or by plans of the Government. If lawns are contemplated, will these add to the pristine quality of the beach and suit the tradition of Goa? Provision of proper access roads to the beach. There is only one parking area shown and that is close to the beach. The parking areas are on the beach side beyond the sand dunes. Moveable dune walkovers. It is the culture and tradition of Goans to walk through dune vegetation. Monitoring mechanism and controls: It is a small project and does not need to establish a monitoring authority. We are not against privatization of services, however we feel that the Government should build infrastructure and then privatize. It should not be left to the service provider to build. There has been lot of opposition in the press.

Committee: You say that the Government should build and privatize. Privatisation means different things to different people. Privatisation means to throw it open and leave it to the people. Either there is some regulation or no regulation. Mr. Carlos Gracias gave a reference of the testimony of Mr. Victor Albuquerque.

Mr. Gracias: We feel that his deposition was very precise. **Parking can be privatized, toilets can be built and run by private people so also cafeteria can be built and run by private party.** We do not want the service provider to build. **The project should not involve building. Service provider should not monopolise the construction and then take fees etc. The building work should be done by the Government.**

Committee: The entire beach management project is only within 1.7 kms. for which the project is being prepared. There are two divisions, seaward side and landward side. You have supported some activities. In your assessment, do you feel that particular part does not come under CRZ. Pay and park is not under development?

Mr. Gracias: Whatever is permissible under CRZ may be allowed. **It should not be left to the service provider to build and then operate.** In Calangute people are operating, that is not privatization.

Committee: What will be the position of this beach in view of your experience in South Goa, what is the solution. If service provider is not the solution then the citizens should give their suggestions. What is the role of the PMC. You want Government to supervise and co-ordinate. What do you think of the whole concept of pay parking? There are no funds and that is why the beach cannot be maintained. There is revenue crunch and that is why the service provider has come or are there any alternatives?

Mr. Gracias: **Government should not be involved in services, services can be privatized.** There will be scope for litigation.

Committee: Do you feel there should be uniform policy for all the beaches?

Mr. Gracias: **Yes, there should be uniform policy for all the beaches.**

Testimony ended at 11.10 a.m.

AFTERNOON SESSION:

2.44 p.m.

4. Mr. Peter Figueiredo for the Caranzalem-Dona Paula fishermen.

The plans were shown from Martins Beach Corner to Sharda Mandir.

Committee: How are you having boats that have no licence. Do you have any objection because you feel that you will not be allowed to do fishing?

Mr. Peter Figueiredo: What is the Municipality and Tourism Department doing? It is their duty.

Committee: Government has not done any development on Calangute or Candolim beaches but still development has taken place like shacks, boating activities, etc. Will you still continue to do fishing if the Government leaves everything as it is? Will you look after the beach after 10 years?

Mr. Peter Figueiredo: **There are people to clean the beach from the Tourism Department but since the last one year we do not see them.**

Committee: Mr. Peter Figueiredo will present copies of the letters sent to the Tourism Department. He was explained that the Government wants to have some water sports like those at Dona Paula jetty.

Mr. Peter Figueiredo: **Fishermen will be affected. There are about 100 Magkars. There must be some way out.**

Committee: Government has reserved some area for fishing activity. What will happen five years hence if Government does not do anything? People are taking vehicles to the beaches though it is not allowed and dump garbage on the beaches. There has been no control on Calangute and Candolim beaches.

Mr. Peter Figueiredo: Government should take action immediately. Will you say that the fishing community will not be affected?

Committee: I cannot say anything on this.

Mr. Peter Figueiredo: The fishing business will be affected.

Committee: Are you ready to help the Government to look after the beach if it is given to you?

Mr. Peter Figueiredo has expressed his willingness to take responsibility of fisheries zone management.

Committee: Calangute and Candolim have become private beaches without privatizing and the people are afraid that Miramar will become the same. **Give a note on how many**

people you are and how you can keep the beach clean. Also the coconut plantation, if you can manage, the Government will pay you. You can give your terms and conditions and Government will decide. Give your conditions of keeping the cleanliness of the whole beach right from Campal to Science Center. You have to show your willingness. Give a concrete proposal. If there is a local person to check, he can keep an eye on what is going on. We had given proposals regarding land filling etc. to the PMC Councillor but nothing has been done. **On 24th January at 3.30 there will be an inspection for which you can join and give your views.** We will start from Children's Park, Mariott, Sharda Mandir to Science Centre. You can come and meet us. We need the help of the people.

Mr. Peter Figueiredo: At the Indoor Stadium, some sediment comes from the swimming pool and it is being released and the whole part has become thick. All the bleaching powder from the swimming pool gets collected and creates problems.

Committee: **People who live on the beach have more knowledge about the beach. You have to show all the problems that you are facing and suggest what you can do.** Give copies of all the correspondence regarding Miramar beach area.

Mr. Peter Figueiredo: A fire has been set on the beach and the fishermen went and put it off.

Testimony ended at 3.14 p.m.

3.15 p.m.

5. Shri Mathany Saldanha representing Goenchea Ramponkaranco Ekvott.

Shri Mathany Saldanha : I have submitted a representation of 3,212 people. For centuries the fishermen have been fishing on the coast and there was never any problem of pollution. **The actual problem is because of inland development which is close to the coast. For that fishermen should not be blamed.** Water Sports which is going to be the next burden on us. 5 kms. regulation is not being enforced. Monsoon ban because of the breeding season is not being adhered. All the five star hotels are blocking the pathways. Traditional fishermen cannot put their nets as they are being blocked. Fencing is being done. Beach cleaning by mechanical means is not acceptable as it is going to totally affect the ecology. It is going to take out the life itself from the beach like shellfish, crabs, etc. **The only source of livelihood of the people there is fishing and now we have got privatization. We are not against cleaning the beach.** We are not against the Govt. decision but under any circumstances we would not like commercialization for cleaning the beach. It is going to further destroy the beach like all other beaches of Goa. Miramar Beach is so impressive and so beautiful. There is no need of tracks for cycling or jogging. It is going to be destructive not only for fishermen but even for tourists. **No parking should come, it should be inward not on the seaside.** Pollution of oil done by barges cannot be cleaned and nobody will clean. As far as fishermen is concerned we are putting this forward only with the hope that the commission will take it in the right spirit and will put this project from management being privatized. **We have been affected by Tourism and developments and we do not want to be completely eliminated. It is going to affect all the fishing community**

all over Goa. The Commission is not open to the public. I would like the fishermen to be here present.

Commission: There was no crowd control and anyone could have come. We are taking an inspection walk on 24th January and I have told Mr. Peter Figueiredo to join us at 3.30 p.m. at Children's Park in the presence of Councillors as well as members of the press. I would like to remove the misconceptions. I have not received anything from the C.M. or any officer. I have my freedom to give the report. I hope to do full justice to my work provided there is support from the stake holders. For me as a OMC I do not subscribe to limited vision of 1.7 kms. It is one beach right from Campal to Cabo. It is not a question of money making. The ground work is finished regarding hot spots of drainage, land filling etc. I do not find inputs that are sufficient so I am making another effort to directly come to the field and you are welcome to join from Children's Park to Sharda Mandir. It will form part of the report. There is no bias towards fishermen. Aiwa Village beach activity is going on. Committee has taken views of the fishermen. Get the fishermen to come and let us listen to them.

Shri Mathany Saldanha : **One solution could be community based. We expect justice. We are ready to be partners in keeping the beach clean. We do not want any Government to commercialise the beach.**

Committee: The Committee will identify solutions and get into participation. The citizens have represented so we will go personally to the beach and see. We expect you to co-operate with the Committee. Please reserve your time from 3.30 to 6.30 on 24th January, 2002.

Testimony ended at 3.28 p.m.

3.37 p.m.

6. Mr. Eugenio Fernandes of the Caranzalem unit of Goenchea Ramponkarancho Ekvott.

Committee: Have you given anything in writing?

Mr. Eugenio Fernandes: Yes. It is our livelihood and we have lived there since centuries. **Our older generation lived and died here. If this is gone we have no other means of livelihood.**

Committee: The Government has not thought of stopping your fishing activities.

Mr. Eugenio Fernandes: I have seen your plan and I feel we will be affected. The Government is not doing anything in the sea. From the Science Center it is the most important place for fishing for us.

Committee: Only where the coconut trees have been planted, Govt. wants to be developed and give it to a private contractor. There is no ban for fishing activity.

Mr. Eugenio Fernandes : Where there is water sports that is the place where we will face the greatest problem.

Committee: How many people are involved in "Rampions"? What is the position of fish.

Mr. Eugenio Fernandes: **Sometimes we get catch worth in lakhs Rs. 2-3 lakhs.** If there are water sports all the fish will stop. In Dona Paula the fishing has stopped

because of water sports because oil comes out of the boats. We have the advantage of putting rampions because of the coast. **There is so much of garbage that is coming on the beach. It can be seen even today on the beach.**

Committee: We will be coming to the beach on the 24th.

Mr. Eugenio Fernandes: People throw all the garbage in the drains and it comes to the beach. We have to clean all the garbage. Tourism people come and clean the beach.

Committee: **Mr. Eugenio Fernandes brought to the attention of the OMC that the original arrangement of cleaning the beach through the beach sweepers appointed by the Tourism Department have disappeared for more than one week neglecting their duties of beach cleaning operations. The Committee desired that this fact should be immediately brought to the attention of the Director of Tourism with a request to take prompt action and maintain the beach notwithstanding the beach management project.**

Mr. Eugenio Fernandes: We can keep the place clean by taking out the dead fish or helping them.

Committee: The beach is everybody's property. If you can keep the beach clean the Government has no chance.

Mr. Eugenio Fernandes : **A committee can be formed of the local people and people who come to the beach can contribute and give to the local people to clean the beach as they are the users of the beach.**

Committee: If the Government gives this job to your'll can you take this responsibility? Do you have people besides the Ramponkars?

Mr. Eugenio Fernandes: We will try, we have people who will do this job. Near the swimming pool, all the sewage is sent to the river. Fish are eating that bacteria and the fish are dying. In Canacona also many fish are dying and NIO have found out why. Mullets (Xevtte) specially eat all the sewage. We get clean fish where we fish.

Committee: **According to Mr. Eugenio Fernandes right from Panaji Market to Mariott, the fish from there is not fit for consumption due to heavy pollution in the area.** On 24th January, 2002 we are going to take a walk on the beach right upto Science Center. Yo can come and also call your people who can talk to us. We do not have any information on how many types of nets and also the Government does not have any knowledge of how many types of fish are existing in that area.

Mr. Eugenio Fernandes: There are about 50 gill nets, 30-40 draw nets through which people are earning their livelihood. Aivao area mostly people use gill nets. The names of different types of fish are – 1. Isvon; 2. Rawas; 3. Chonak; 4. Xevtte; 5. Pamplet; 6. Sungtam (Tiger prawns and white prawns); 7. Dhodiare; 8. Khoddio; 9. Tarle; 10. Peddie; 11. Velleo; 12. Tamushe; 13. Ghobre; 14. Dimor; 15. Chinellam; 16. Vontie; 17. Chamde; 18. Dhodi; 19 Mankio; 20. Pille; 21. Balle (white and red); 22 Capsallim; 23. Xethkam; 24. Muddoxeo.

I will give a list of all the names as I cannot remember all of them now.

Testimony ended at 3.58 p.m.

4.10 p.m.

7. Adv. Albertina Almeida of Bailancho Saad.

Committee: The Committee made it clear that he has to take a decision and convey to the Government and is looking for solutions regarding pollution, garbage etc.

Adv. Albertina Almeida: We stand by the written submissions that we have made. We are asking **about the context in which this project is being undertaken. The rationale for privatization and the project itself.** We are questioning this, the legal framework within which the beach is being privatized. The hearing would have been ideally public so that we could hear in person. We would like to hear the GSIDC and their response. Hearing should have been more public so that we can give more submissions. We are trying to get clarifications from GSIDC but we have failed. We cannot give more details. The Committee should have been broad based.

Committee: Your submission rejects the proposal as it is because of crucial issues which the project has.

Adv. Albertina Almeida: We have not been able to give individual opinion because we do not get the information from GSIDC. There are various bodies meant to manage the project. **The project information brief has failed to point out at what level Govt have failed in their duties and in what way a private contractor would be able to do this.** Miramar is one of the beaches of Goa. It is an urban beach unlike Calangute or Candolim where there is lot of construction.

Committee: The beach has already been privatized by private people. As a representative of Bailancho Saad the basic question is whether it is necessary or not. Just assume that the service provider is dumped or rejected and there is a situation of business as usual, five years from today what is going to be the scenario? A small strip of 1.7 kms. the Govt. wants to undertake and start some water sports activity. The Committee has found that there is business as usual situation which has a direct impact on the fishermen who have expressed their concerns. On 24th there will be an inspection walk The genuine stake holders will come and see. We had a survey also.

Adv. Albertina Almeida : The whole question is of accountability. If the state has failed to control the dumping of construction debris what is the point at which they have failed? Is there a lobby that can be influenced even if a private firm takes over it will be the same.

Committee: There are residents who see a truck and come here and represent but as concerned citizens they do not do anything about it. The responsible people have failed. Suppose the ball is thrown to the Committee. The Committee is not sitting on premature judgment. My point is if we know exactly where the problem is we will be able to suggest a solution.

Adv. Albertina Almeida: When you want to hand over to a private contractor the 1.7 kms. stretch, the rationale has not been set out in the project brief. You have to look at history and then look at the future. We have done a bit of fact finding but we also need some information. The people along the beach, we have gone and spoken to them, they are very clear and they do not even know that there is a move to privatize the beach. They do not know anything when we asked them. They were not aware of the moves.

Committee: Some private areas are much cleaner and there are hot spots of pollution in some areas. The Committee has also spoken to citizens or vendors. The same people can be given some responsibility. Do you have some suggestions or points? Fishing community is exploring the possibility and they have been asked to join the walk on 24th from Children's Park alongwith the officers who are responsible and they have to give the solution and the community will also give a solution. There is lot of mess. Suppose we reject the Govt. proposal how best can we do it. Like Baywatch can we have some other organization that are the other alternatives at community level.

Adv. Albertina Almeida: Community level alternatives are like voluntary work done with a sense of commitment. It is not a paid kind of job. Like Baywatch is not getting any salary, they do it for commitment. As a Councillor Ms. Patricia Pinto is ready to supervise alongwith the others. We do not want cleanliness at the cost of environment. We need to have clear cut views. In terms of facilities, certain things have happened on other beaches, where there is no kind of beach left. You are giving all the legitimacy to a private contractor. There will be limited access to the beach.

Committee: What are the preventive measures that you suggest regarding misuse of the beach? Miramar is a pristine beach and not overdeveloped. The question of gender element, I would like you to highlight and get it forcefully incorporated. How is this beach management going to handle all this?

Adv. Albertina Almeida: There are laws to deal with this, it is the question of enforcing these laws. There is no law in tourism regarding paedophilia. You cannot give it to a private person to handle it. Tourism and paedophilia there is a connection. It needs to be regulated since there is no specific law to prevent or deal with paedophilia.

Committee: Your organization strongly recommends that this type of law needs to be enforced in this state to control paedophilia.

Adv. Albertina Almeida: There is a strong co-relation between beach tourism and paedophilia. There is a copy in the State policy.

Committee: Taking this project of Miramar beach management inquiry, is your organization prepared to give a note on this point? What is exactly required in paedophilia?

Adv. Albertina Almeida: As far as paedophilia is concerned we should look at it as a whole not only Miramar Beach and neglect other beaches. **The problem is everywhere, on all beaches.** Cleanliness has failed so there has to be discussion on wider tourism policies. **One project has been placed before the public, Government should put the entire plan before the public, how the future is visualized.**

Committee: As far as policy is concerned the Government had invited suggestions from the public but nothing has figured. It has been given in a different way than what we were projecting. Miramar is just one piece of a larger policy. The policy has to have a full fledged plan of action. It has to be a full plan of action. Don't take bits and parts. If you are talking about paedophilia you cannot only deal with Miramar you have to deal with the whole problem all over and how the machinery can be equipped to deal with it. The law of the land is not very clear.

Testimony ended at 4.36 p.m.

4.37 p.m.

8. Ms. Sabina Martins, resident of Panaji.

So far the access to the beach is free but when it comes to implementation it is not going to be free. **It is my personal experience when we visit the beach we are shooed away by the security people of the 5 star hotels.** Leela Beach the guards shoo us away, even the Taj the security people shoo you away. We could stay there only because we could argue with them. Not everybody can fight for their place. It is questionable. The whole thing is Government's bad policy. **The policy is to privatize beaches and possess. First it is beaches then it will start later with forests. Community assets should remain with the Community and community participation should be there if the Govt. cannot manage, the Government should be helped. The community is also willing to work with the Government to keep community reserves.** Most of the time women come for traditional baths and the places are shrinking. You cannot go to Calangute and Baga because it is crowded. It is like a foreign country. It has opened up so much. The space is our very own. We are doing everything for tourists, what about our very own. It has been our very own space and we do not want our space to go. We sell off everything and live like beggars in our own place. Homogenisation of beaches – every beach become the same. We do not want it to become another Pattaya. Advertisements, lights are put on the beaches and the peace and serenity of the place should be maintained. Miramar is still beautiful we do not want more law and order problems taking place on the beach side. Regarding toilets, we had a survey of one of the Sulabh Sauchalaya and checked. We found that only around 50 people on weekdays and 100 people on Sundays use the toilets. Because people have to pay they do not use the toilets. Why can't you keep one toilet for free use? There may be problem of people who may not like to use the toilets. Recommendation has been made and can be acted upon immediately. Regarding landscaping, every time during monsoon and even now the whole circle is covered with sand. Lot of sand comes and we slip on the roads. Landscape would only compound the problem. The whole concept of pay parking, as far as possible we are paying taxes to the Government, why should we have pay parking. Just because in the West you have pay parking and everything is commercialized that does not mean we have to do the same. **The Govt. land can be utilized for parking. On Sundays only about 200 people park their vehicles and that can be organized.**

Committee: A study has been made of the traffic density to Science Center and Oceanarium. They are assuming that traffic will multiply and it will be one million per year.

Ms. Sabina Martins: Proper plan should be there. We need to keep the beach clean but how we should go about it is important. The Government should not shirk itself from its responsibility. We have community participation.

Committee: Have you done anything to prevent the dumping of debris in front of Sharda Mandir?

Ms. Sabina Martins: It is an issue. Do we need another management, this is the responsibility of the PMC. Let us make these people responsible.

Committee: Do you think if we had a watch dog it could be done?

Ms. Sabina Martins: The Govt. has a high powered monitoring committee. That Committee should have analysed as all the persons from the Govt. departments are on this Committee. They are only passing on the buck instead of doing their own job.

Testimony ended at 4.50 pm

4.55 p.m.

9. Shri Gurudas Pai, citizen from Kamat Estate, Tonca.

Shri Pai: After I went through this report I had several questions. I have applied for certain documents under right to information. The density of the traffic that the road can take is not known. On a given day there were lot of people about 60-70,000 people were present and cars were blocked near Bal Bhavan and they had to walk. The crowd that comes to the beach, they are the source of getting your moneys return. We have Kala Academy where 2-300 cars are parked on that road, besides high shopping clients also come, sometimes two cars per family. Then there are three colleges and Sharda Mandir besides the Oceanarium, they do not have their own parking. First you have to think what is the average return per day. We want to clean and it has been stopped not only Miramar but on all beaches. What is the criteria and what are the types of activities. You are tying your hands for 20 years. Every year 18000 vehicles are being added and 90% come to the city. **I am a founder member of PMCA and as per municipal law they have to show where to dump the debris. Since that place is full naturally people dump anywhere. There is no supervision going on and dumping times are not known. No record is left. Citizens cannot chase these trucks and police are reluctant to take action.**

Committee: Certain solutions have been given and we are expecting implementation.

Shri Pai: As far as the (old GMC) nallah is concerned, it was clean and I have fished in that nallah and it should be cleaned once again. Government should have taken us first into confidence instead of having confrontation the best thing would be to get opinion.

Committee: The Committee asked Mr. Pai to join the inspection walk on 24th January at 3.30 p.m.

Shri Pai: I am a grandson from Taleigao and I was born in this city 65 years ago. Between Kala Academy and Miramar there was thick cashew garden. **Since the Portuguese had done nothing towards development, the Miramar beach remained pristine in nature.**

Testimony ended at 5.14 p.m.

Analysis of responses from public hearing

The OMC noted that in general points which were made in the written submissions were reiterated and many new dimensions not considered in the MBMP were brought to the notice of the OMC.

To summarize the OMC found that:-

1. People are confused about the rationale behind privatisation and are not open to the concept of monopoly of the service provider.

2. People would not support any constructions on the beach side or landscaping on sand dunes or restricting fishing activity or promoting any water sports activity.
3. The regulatory role of the government is considered important in managing the beach by strengthening and streamlining the existing mechanisms.
4. The diversity of the fisheries resources and its' sustainable utilisation are underestimated in the MBMP. Fishermen are afraid of interference. Poor people depend on the large amount of driftwood swept by the floods on the beach during the monsoon.
5. Private participation under the government control is supported cautiously in selective manner- beach cleanliness, safety, parking provided it does not interfere with local communities.
6. Not a single government authority has paid any attention to the integrated drainage planning in the Miramar beach area.
7. Since the fragile Miramar beach ecosystem is already under stress Comprehensive Environmental Impact assessment is required for the entire estuarine area from Divar to Cabo.
8. Fishermen are prepared to assist in maintaining the cleanliness of the beach if given an opportunity.
9. Improved co-ordination is required between various government authorities to protect the beach ecosystem and find community based solutions to the Miramar beach management issue. The PMC and tourism department may have the capacity.

In the final analysis,

The testimonials in the two public hearings consolidated the findings from the written submissions and the OMC discovered that many sincere suggestions have emerged for suitable alternatives for the MBMP.

The findings from the written submissions and the public hearing were studied with respect to the Table 3 giving the consolidated response which was prepared by GSIDC in consultation with IL &FS after the conclusion of the public hearing on January 17 th. 2001. The comments on these responses are given in the recommendations.

Table 3
CONSOLIDATED RESPONSE TO PUBLIC QUERIES/ DEBATE ON
MIRAMAR BEACH MANAGEMENT PROJECT

Sr. No.	Public Query/ Subject/Issue	Response
1	Short time for representation/ public hearing	<p>(a) The advertisement for EoI on the project appeared in the press on 14th Sept'01, and immediately thereafter, the comments/responses to the project from the public have been appearing. It can be presumed that the comments and responses show an understanding of the project, which has been going on for 13 weeks. Therefore, after making available the project details on 7th December 2001, it is not envisaged that the public review and understanding of the project details and responses thereafter should take more than 5/6 days time.</p> <p>(b) In Keeping with the suggestion of the citizens citizens of the State the time for submission for representations on the project has been extended by over four weeks to end January 2002</p>
2	(a) Terms and conditions of the “Concession” not indicated.	<p>The principles of commitment which form the core of the Concession are indicated in the Project Brief. These are the basic issues that concern the public.</p> <p>The precise terms contained in the “Concession” which is more legal in nature is for the signatories to the agreement to agree upon and will be based on the contours of the project as given in the Briefing Document.</p>

	(b) Obligation of the PMC and why they have not been involved.	<p>PMC's obligations related to the components of the project is relatively small and pertains to cleanliness of the surrounding areas, waste disposal and license to existing vendors.</p> <p>However, since the proposed project has a much larger perspective as well as specific objectives, some of which may be outside the purview of the PMC, the project has been proposed under the State Government directly and under the State Government, the proposed signatory is to be the Tourism Department, because they are the beneficiaries of the project. The ownership of the land along the beach is currently vested with the State Government and the same can be transferred to the tourism department for the intended project.</p>
3	Beach Management is not an infrastructure development, and therefore should not be developed under GSIDC.	<p>The State Government has identified tourism as one of the key sectors in the state economy and the need to develop this sector in a focussed manner. For this it is necessary to address tourism infrastructure and the Beach Management project has been identified by the Government as a tourism infrastructure project.</p> <p>The development agency from the side of the State Government is a matter of allocation and as per GSIDC's mandate, they are to develop all infrastructure projects, including those requiring private sector participation.</p> <p>Accordingly, the Miramar Beach Management Project, as part of the tourism infrastructure, is being developed by GSIDC and this is only one of the projects being handled by this corporation. Other projects do include projects from the core infrastructure like roads, bridges etc.</p>
4	Objective of maintaining Miramar Beach in its "pristine" condition	<p>The Miramar beach has deteriorated over the years it is now dirty, unkept and unsafe</p> <p>The definition of "pristine" is "pure, clean, undefiled, unsullied, natural, chaste, virginal, plain, untarnished". The project (as stated in the brief) "relates to preserving the pristine beach stretches" – the project components (services) are aimed at cleaning/nourishing the sandy portion of the beach and thereby help in preserving the same. The proposed facilities are not on the sandy portion but are on the land side portion. The proposed landscaping in these areas are intended to beautify the beaches and make it more visitor-friendly.</p>

5	<p>(a) The potential conflict between the existing authorities and service providers</p> <p>(b) Jurisdiction of the Tourism Dept.:</p>	<p>It is to be clearly understood that the role of the service provider is as a <u>facilitator of services</u>, in conformity with all existing government (both Central and State) regulations in force – which is clearly mentioned in the Project Brief. It is further clarified that the above “service provider” or “facilitator of services”, at no point, replaces or assumes the functions of the statutory authorities.</p> <p>Accordingly, the “service provider” would carry out the prescribed services under current applicable rules, regulations, statutes and also under the direction of the representative of the specific statutory authorities, as and when necessary. Therefore, there is no double jurisdiction or any conflict with the statutory authorities leading to dispute.</p> <p>It is envisaged that the Concession Grantor from the side of the Government of Goa would be through the Department of Tourism and therefore they would assume the <i>de facto</i> position of the project “owner”. In the event of any dispute between the Concession Grantor and the “service provider”, the mechanism of dispute resolution is as indicated briefly in the Project Brief.</p>
6	<p>Ban on cultural, social, commercial activities on any beach in Goa and contempt of the High Court</p>	<p>The undertaking given by the State Government to the Honourable High Court pertains to ban on activities, which <u>tend to make the beaches dirty</u>. However, as committed by the State Government in the same affidavit towards comprehensive improvement of cleanliness and environmental conditions of the beach, the project itself as a whole, aims at achieving above, as per measures to be undertaken.</p> <p>Permission for activities which would be controlled, and strict cleanliness/performance guidelines enforced, would not constitute a violation of the affidavit, and thereby contempt of court, and on the contrary, is intended to improve the conditions of the beach in line with the objectives of the court. The project is a step towards pro-active measures by the State to maintain and improve cleanliness in the beaches as per the undertaking.</p> <p>In this connection, the State Government has moved an application, as well as has drafted a policy for permission related to certain specified events on the</p>

		beach under written down guidelines and regulations. The activities proposed under this project is within the above.
7	Independent monitoring:	<p>An independent agency would be appointed jointly by the State Government and the “service provider” to monitor the performance of the “service provider” as per the agreed Concession Agreement.</p> <p>The performance parameters by the “service provider” has to do with environmental issues, cleanliness issues, restrictions due to CRZ etc. Therefore, it is envisaged that independent regulation would require the expertise of a professional engineering firm, which could be interpreted as a “professional technical firm” also.</p>
8	“Ill-conceived” and “irrational” proposal including the proposed water sports, barely 3 kms away from a huge National Institute of Water Sports.	<p>Water sports are proposed (subject to marking out of safety zones, necessary permissions/ clearances from relevant authorities) as part of the services and facilities to be offered to the tourists and visitors to Miramar Beach. The Institute, being about 3 kms away from the area where the majority of visitors to Miramar Beach is concentrated, would also serve as a watersports centre, but not necessarily catering to the visitors of Miramar beach.</p> <p>The objective here is to provide water sports also as a comprehensive activity package for the visitors to Miramar Beach.</p> <p>The fishing village zone, as indicated in the drawing, has been excluded from the project area so as not to disrupt the fishing activities by the villagers. Moreover, it may be noted that jet powered boats and water sports equipments do not hamper with fishing nets cast in the water.</p>
9	Concession period	For the proposed Goa beach management project for Miramar Beach, the “concession period” (lease

		<p>period) is proposed to be 20 years from the effective date of the concession. The above concession period has been proposed based on the estimated time period which would be required by the service provider to recover his initial expenditure, as per the facilities and services envisaged as part of the project, while charging nominal fees for the facilities to be provided which attracts user fees. Therefore, the above period is aimed at making the project viable and attractive to an experienced service provider, while providing the services as envisaged and as per the strict performance parameters stipulated as part of the project.</p> <p>Of course, there are possibilities of a variation in the above estimated concession period, in the event there is a variation in the estimated initial expenditure, while providing the same level of service as stipulated in the document.</p>
10	Limited Advertisement area	Advertisement area is restricted to 120 sqm, proposed in the parking lot and some other areas but at low height, so that it blends with the landscape
11	Dune Vegetation	There is no intention to destroy or remove dune vegetation which helps trap sand and prevent soil erosion and promote larger species for growth. In fact the landscaping of the dunes will include promoting more such growth and at places where vegetation is damaged due to dumping of waste and debris to clean up the same and cover with vegetation. Also grass and unwanted plants which cause hindrance to growth of useful vegetation will be removed
12	Social activities	Social activities could be related to children's shows, competition such as painting or drawing, open air exhibitions, in designated areas. Performances and concerts in the area away from the waterline and sand
13	Enforcement of restrictions/ performance levels on the Service Provider	<p>The concern on the performance of the Service Provider as well as restrictions on his activities are adequately addressed under the following :</p> <ol style="list-style-type: none"> (1) A performance security is being taken from the bidder which is of the order of Rs. 10 Mn (2) An independent agency will be monitoring the performance of the Service Provider as well as their adherence to the specifications given. In addition the Tourism Department being the Grantor of the Concession will also be monitoring the agency

14	Fear of privatization, private domain,	The service Provider will have no right of ownership of the beach or any of its components. There will be no restriction of any kind for anyone to use or access the beach in any way which is being done as of now
15	CRZ Regulations	<p>The CRZ Regulation for the classifies the Project Area under CRZ –III. Under this CRZ category an area upto a distance of 200mts from the HTL is to be earmarked as a “No Development Zone”. What is permitted is :</p> <ul style="list-style-type: none"> (1) Construction for facilities for Water Supply, Drainage, and Sewerage on permission from designated authority (2) Other uses such as agriculture, horticulture, gardens, pastures, parks , playfields, forestry and salt manufacture from sea water (3) In addition temporary/ removable structures can be permitted with no construction components
16	Access points in the beach	All access as existing will be maintained and kept open
17	Fishing community	<p>The Fishing Community will not be affected as their area has been excluded from the project area. Also the designated project area where facilities are to be maintained is being kept away form the fishing community</p> <p>It is also seen that at present Barges carrying ore, pass through or near the existing fishing area without any disturbance to the fishing activity. Hence the fear of water sports affecting the fishing activity is not founded</p>
18	Limited catering of permitted beverages	Beverages will be limited to certain areas in the project area and will be as per permitted norms and laws. The service provider will have to apply for any any licenses related to vending of food and beverages as per the laws of the land

Sl. No.	Query/ ISSUE	CLARIFICATION
1	Nature is capable of correcting itself upto a limit and it should be left to nature:	<p>The basis of the project formulation is the need to clean the beaches, which is evident as one visits this beach and walks from one end to the other. It is understood that due to various reasons, the dirt washed ashore on Miramar Beach is not being handled by nature, leading to accumulation of dirt and therefore the deemed necessity of external intervention.</p> <p>The problem becomes more unmanageable during the rainy season, when a large quantity of dirt are washed ashore and either it lies there or in the natural cycle, keeps on getting washed and coming back to the shore.</p>
2	Opposition to mechanical cleaning as this would destroy the vast eco-systems and organisms on the beach:	<p>For beaches where external intervention is sought for cleanliness, mechanical cleaning is resorted to, worldwide. The mechanical cleaning system strains out foreign articles like plastic, tar, cigarette butts and other unwanted matter and the eco-systems and organisms are recycled and not taken out of the system. Not taking a favourable view merely on account of “scientific perspective” does not provide adequate rationale to reach a conclusion regarding the ill-effects of the project components to the beach eco-system. On the contrary, accumulation of tar balls and oily sludges would prove detrimental to the eco-system and other inorganic/organic dirt lead to visual unpleasanliness unless attended to systematically, as envisaged as part of the project.</p>
3	Opposition to landscaping on the beach side:	<p>The term “landscaping” may have been misunderstood. It is the condition of the presently existing greenery on the Miramar beach side which is unkempt, also encouraging weed growth and does not provide a comfortable view to any visitor to the beach. Therefore, the suggestion of “landscaping” would include the rehabilitation and maintenance of the currently existing greenery. Such landscaping is also practiced on the beaches elsewhere.</p>
4	Point regarding beach belonging to the community:	<p>The ownership pattern does not change in any manner due to the project, as already elaborated a number of times through press as well as through the draft project</p>

		documents made public. The post project scenario will be no different regarding the access to the beach.
5	Modalities adopted by the one man committee needs a drastic change:	It would be prudent to point out that the purpose stated for the committee is being exactly followed. Of course, the one man committee is the best judge regarding the modalities of the hearing. The one man committee is independently hearing the views of various experts on the various facets of the project, as well as people's comments on the activities currently being practiced on some of the other beaches of Goa etc. prior to firming up the recommendations, as per the one man committee's mandate.
6	Fear that the fishing community in Caranzalem and Taleigaon would be affected	It is clarified that the project components take into account the above perspective, which is why a major portion of the beach where fishing activities have been noticed during the survey, has been kept out of the project area. The fact that, in many other parts of Goa and elsewhere, successful co-existence of the fishing activities as well as leisure activities on the beach, the participation (including conversion) of local fishermen towards commercial activities catering to the tourists, would form a basis for saying that the fishermen would not be affected and in fact, this would provide an alternate means of livelihood.
7	Comparative state of difference between "built and developed Baga" and "pristine Miramar Beach"	The above comparison may not represent a true picture since the so-called development of Baga has been totally uncontrolled and wanton, whereas Miramar has not suffered a similar fate due to regulations. It is clarified herewith that without a properly planned and conceptualised development with necessary regulations, Miramar could suffer the same fate as Baga at a future date and therefore a project such as the subject would be one of the effective means to ensure prevention of unwarranted exploitation.
8	Shocked to note that several facilities to be promoted during the proposed plan and request for review of the project:	<p>The project components as proposed have been well planned and elaborated as well as strictly regulated to prevent misuse. Also, the entire development plan is within the applicable guidelines for development as per the laws of the land.</p> <p>However, suggestions towards achieving the stated objectives through any other means are welcome, within the mandate of the one man hearing committee, which would go into the recommendations for improvements of the</p>

		project, which is currently in draft form.
9	<u>Map</u>	In addition to the hard copy of the map (size as enclosed with the Project Information Brief made public), the soft copy is available, which can be studied, if required.
10	<u>"Haphazard wild vegetation and growth"</u>	<p>In a large tract of area beyond the sandy portion of the Miramar Beach (towards the road), there is growth of sand dune vegetation together with a substantial amount of wild vegetation, which has been observed during the detailed survey of the project conducted in the area. However, the survey did not include any scientific study of the vegetation.</p> <p>As part of the project, the detailed scope of work takes into account the above and aims towards controlled landscaping in an orderly manner and removal of vegetation other than typical sand dune plants like <i>Spinifex</i>, <i>Littoreaux</i>, <i>Ipome peas Caprae</i> and <i>Cyperus Aneanaria</i> etc. Needless to mention, the objective of the project is not to do away with natural sand dune vegetation, which we are aware forms a dense mat and minimises the moving of sand. In earlier regional plans drawn up for the State, it has been recommended for enhancing of growth of protective vegetation on the sand dunes and the backshore as protective measures to the beaches. The landscaping proposed here includes these aspects of activity.</p> <p>In addition, the objective is to plant trees (towards the roadside) like <i>coconut</i>, <i>casuarina</i>, <i>Duranta sp.</i>, <i>Pandanus sp.</i> etc. to function as wind barriers as well as to visually beautify the land areas adjoining the beach.</p>
11	<u>Oil & Tarballs</u>	Any comprehensive beach management project would need to consider all events, including those that are unpredictable. Cleaning up of the oil and tarballs is one such consideration since it is not possible for any one to predict that an event leading to the formation of substantial oil sludge/tar balls will not happen to the Miramar Beach. As one may be aware, an oil slick, formed right after a spill, can be dispersed in several ways. Components which are most volatile will evaporate, leaving a more viscous mass. From this, oil can be emulsified to form tarballs. Some of this will find its way to shore, where it is very persistent and of course, some will disperse into the water column and find

		<p>its way to the bottom sediments. Exposed shorelines, especially rocky ones, seem to be least affected, whereas sandy shores have more potential to absorb and retain oil. Once this happens, it can take upto twenty years for the shores to recover their balance unless there is intervention.</p> <p>Moreover, during the survey, small portions of tar balls have been noticed in isolated patches. Some of the issues related to tar ball buildup and ways for cleaning up are as follows:</p> <p>Towards beach cleanup, once tarballs hit the beaches, they may be picked up by hand or by beach-cleaning machinery. If the impact is severe, the top layer of sand containing the tarballs may be removed and replaced with clean sand.</p> <p>The number of tarballs found on the beach depends on several factors: tanker traffic, wind pattern, sea currents, whether an oil spill occurred recently, and how often the beach is cleaned. Obviously, some beaches have more tarballs than others and need to be attended to accordingly.</p> <p>It has been provided for, as part of the project, mechanical equipment capable of efficiently removing tarballs. As part of the beach management programme, there are specifications regarding clean-up of the sand with respect to tarballs, on a regular basis, and also emergency measures in the event of a spill.</p>
12	<u>Waste Collection and Disposal</u>	<p>This issue is clear in the document provided. For further understanding, the service provider will be responsible for the complete cleaning up of the portion within the project area, upto transportation and collection in disposal bins located conveniently, at the boundary limit of the project area, which then would be lifted and disposed off by the Panaji Municipal Corporation.</p> <p>The waste collection and disposal system have been detailed in the detailed project documents, together with performance standards for the service provider, in accordance with the relevant regulations including Goa Non-Biodegradable Garbage (Control Act, 1996), Municipal Solid Waste (Management & Handling) Rules, 2000 etc.</p>

Other findings related to MBMP

The orphaned beach

A major flaw in the MBMP was found to be the exclusion of the Campal to hotel Mariott composite beach area which always was a part of the Miramar beach ecosystem. Before identifying the 1.7 km. Stretch for development the MBMP should have incorporated the correct boundary conditions for the composite beach. There are lessons from the Campal part of the beach for planning Miramar beach management.

The inspection walk

The inspection walk carried out on January 24 th 2002 discovered that the drainage of the Miramar beach hinterland depends on the restoration of tidal flushing in the Santa Inez- Indoor stadium nallah/creek-an ancient network of tributaries of Mandovi estuary. From the Childrens' park area to Hotel Mariott only a single drainage outlet was found on the riverside. That too was broken and half-buried in the sand. The major drainage artery of Miramar roundabout to indoor stadium is the nallah crossing the D.B. Bandodkar road near the sports department complex. The nallah flows from the fire-brigade point and joins the Mandovi estuary behind the Indoor stadium. The OMC discovered its' blockade near the outfall. On the Miramar beach dumping of the garbage was noticed. The MBMP has assumed a normal rainwater drainage pattern from the roundabout/circle to Martins' beach corner at Dando. In reality the drainage points were found silted and blocked and there were no further channels through rainwater drainage along the beach. This changes the entire picture of surface development/ landscaping in the area shown in MBMP. There are two major naallahs which used to have outfall through the sand dunes of the Miramar beach before the sea shore road as constructed. Interior real estate development between Hotel blue-bay to hotel Goa international has encroached on these drainages endangering the stormwater drainage of the hinterland. Without an integrated drainage plan for the hinterland the inspection revealed that MBMP under a private service provider would have only a cosmetic role. The inspection also found a large number of encroachments on the landward side in area under the possession of the PWD but owned by the town and country planning department. These encroachments which were estimated to occupy over 25,000 square metres of the government land on landward side from the Goa Science centre to Hotel Swimsea was brought to the notice of the government by the OMC in a focussed manner. It may need a separate investigation. But it threw ample light on the business of land grabbers and real estate sharks in the Miramar area. The OMC estimated that government real estate of Rs. 150-200 millions is involved in this land-grab issue. This is massive non-performing capital asset in prime beachfront area. It would suffice here to say that MBMP which was claimed to be based on land survey data had failed to mention the ground reality vis-à-vis the nature of the encroachments in an area owned by the government and which may be required for developmental schemes like parking. The OMC also noted the development of a parallel beach management scheme under the MPLADS programme executed by PWD. Platforms were found to be built on the beachside in a very crude manner at regular intervals. These platforms and the details of the MPLADS scheme for Miramar beachfront (refer annexure) are missing from the MBMP. Such serious omissions have serious legal, social, political and economic implications when MBMP is aimed to be executed through a service provider.

The followup meetings

The OMC took its' mandate and TOR very seriously and managed to identify several issues which are intimately connected to Panaji's infrastructural problems. The beach, as the OMC maintains is integrated with the hinterland, the watershed and no isolated planning and development as envisaged in the MBMP (esp. Volumes I and II), would work when there is failure of the basic infrastructure like drainage and sewage management and traffic planning in the immediate neighbourhood. The OMC also discussed the continuity of the mosquitoborne diseases in the Miramar- Caranzalem area which is an aspect absolutely overlooked in the MBMP. The major reason is the stagnation of water and the construction boom in the above belt. Epidemiological information and consideration of the public health aspects are supposed to be at the core of any consumer oriented service in the tourism sector. How the MBMP could bypass these aspects?.

The PMC was sounded about the dumping of the constructional debris near seashore road Miramar and the garbage at Campal beach.

Without provision for efficient underground sewerage system the Miramar beach area is likely to be prone to environmental disaster due to the proliferation of soak-pits and the overflowing sewage treatment facility at Tonca plant of PWD. The OMC held meetings with the engineer incharge to understand the future plans for sewage treatment for the area between Adarsh colony Caranzalem to Doanapaula and the location of the outfalls of the present sewage and the outlet proposed for the new plant.

The captain of ports provided information on the marine traffic passing close to Miramar beach and such information is crucial for anticipating accidents, collisions, oil spills impacting the campal-Miramar beach. The marine traffic passes within a few metres from Hotel Mariott. It was also found that the water sports activities at Donapaula bay come within the purview of the Marmagoa Port trust as the area is under their notified jurisdiction. The Miramar beach management area falls under the boundaries of the Panaji port and any water sports activity is subjected to the regulation of the marine traffic.

The forest department maintains the Childrens' park near Campal beach and the coconut plantation at Miramar beach. The department removes the sand dune flora which comes under the coconut trees as weeds after the monsoon.. This practice might have to be reviewed considering the sensitivity of experts regarding the dune flora at Miramar. It was also observed that the area at Campal between the Pergola and the Childrens' park near the Sulabh toilet complex is not maintained by any authority and the OMC has asked the PMC to take its' possession and maintain it.

The followup meeting held on 29 th January also brought out several new factors like the existence of a Miramar beach beautification plan conceptualised by PWD in the year 2000. The MBMP does not refer to such pre-existing plans which have not yet been put in cold storage but just 'suspended'. With so many revelations the OMC can only say that the 'right hand of the government does not know what the left hand is doing'. Under such circumstances the MBMP has come into existence.

The unedited transcripts of the meetings with concerned government officers are given in annexures .

Issues emergent from MBMP

The OMC after a careful study of the MBMP, especially the volumes I and II which provide details has reached the opinion that the approach is basically focussed on technical, engineering and financial aspects and has compartmentalised the selected area of 1.7 kms. from the hinterland as well as the watershed. The scoping exercise is limited, fragmentary and incomplete. The responses provided by GSIDC overlooked among others some simple factors like the essential drainage management, the importance of the beach habitat, the actual quality of water near Miramar beach, the upstream discharge of untreated sewage, the unpardonable encroachments on prime beachfront government land valued at 150 to 200 million rupees very close to the area which the MBMP has identified for development etc. The OMC is not interested in preparing a chargesheet of failures as the chronology has proved that MBMP was a rapid study. The Miramar beach has evolved over at least past hundred millenia and has been studied by the scientists of NIO from 1973. Any plan based on a rapid study with technofinancial and engineering focus for sensitive, dynamic and ecologically fragile beach ecosystems like Miramar has built in risks and hazards. No service provider in the world with whatever might of capital and technology has control over the natural forces including the ill-understood tropical epidemics. The OMC does not question the sincerity of the government or the GSIDC or the IF & LS in entering the sphere of tourism sector infrastructural development. There are larger issues which need to be answered in a transparent manner. A few of these are highlighted hereinafter.

While studying the MBMP and evaluating all the inputs received, the OMC asked itself several questions and aimed to identify practical answers.

Is there a state privatisation policy?

People are urgently seeking the answer to this suspensful question. The OMC could not come across any privatisation policy of the state government. A privatisation policy is not just a piece of paper but an important document which takes into consideration all the valuable inputs from the economically, industrially, culturally and politically active population within a state. A success story of infrastructural projects in Malaysia has the backing of its' privatisation policy.

Is there a sectoral privatisation policy?

The OMC could not identify any sectoral privatisation policy. The choice of the projects is a mixed bag. The MBMP was prepared because the tourism master plan existed. The master plan itself is very sketchy and does not give a list of priorities. For all the three sectors of Goa's economy, it is hightime

that government prepare a sectoral privatisation policy. It has to be an integral part of the state privatisation policy. Such a policy could guide sectoral projects.

Is there a state infrastructure act?

Once the sectoral privatisation policy is clear it would need strong statutory support which alone can guarantee long term policy decisions and increase the investor confidence. It also cuts time-lags and resolves the jurisdictional conflicts. The state government had the model of Gujarat Infrastructure development act, 1999 in its' hand before the establishment of GSIDC. Goa urgently needs an act like GIDA-1999 to adopt a cautious and selective approach in orderly infrastructure development.

Is there a beach management policy?

Goa is a maritime state. It has had a very violent geological history. The beaches of Goa are our natural ecosystem capital. But the tourism planners, land use planners have taken this resource for granted. A mistake which these authorities would come to regret in near future. There is voluminous literature on coastal zone management and beach management policies in the world. All the previous recommendations (see annexure) regarding beach management and sand dune conservation in Goa have been neglected since 1982. Without a State Beach management policy the government would not be able to do any scientific and rational planning. Beach management policies are now considered indispensable in USA. The OMC expects the government to pay attention to the work done by the Surfrider foundation in USA. The following excerpt throws light on their ' beach policy'

The Surfrider Foundation recognizes that beaches are unique coastal environments with ecological, recreational and economic value. The Surfrider Foundation further recognizes that beaches are a public resource and should be held in the public trust. As human activities and development in coastal areas increase, the need for preservation of beaches becomes ever more apparent.

"Hazards" occur when naturally dynamic coastal processes encounter static human development, and when humans interfere with marine and littoral systems. The Surfrider Foundation is working proactively to promote conservation and responsible coastal management that avoid creation of coastal hazards or erosion problems. The Surfrider Foundation supports coastal research and science-based management of coastal resources to promote sustainable, long term planning and preservation of beach environments.

This policy is general in nature; the Surfrider Foundation recognizes that every specific case must be evaluated in the context of its local setting.

Whereas:

Beaches are often perceived as separate habitats, but in reality are small parts of much larger coastal ecosystems. These systems include watersheds, wetlands, and nearshore

marine environments.

Beaches are dynamic in nature and change on multiple temporal and spatial scales. These changes are therefore difficult to predict with certainty.

Therefore:

The Surfrider Foundation hereby advocates actions to promote long term beach preservation for the benefit of the public.

Coastal areas that are free of development should be protected via proactive means that do not interrupt coastal processes. These include:

**0 Placement of beaches and beachfront lands in public trust*

**1 Establishment of beach setbacks based on current and historical erosional trends*

**2 Restoration of natural sediment transport processes in coastal watersheds*

In areas where erosion threatens existing coastal development, the Surfrider Foundation advocates appropriate long-term solutions that maximize public benefit. These include:

**3 Landward retreat of structures from dynamic shorelines*

*Where landward retreat is not feasible, beach nourishment** projects may be considered, on a case by case basis, as viable alternatives for short-term beach preservation.*

Under no circumstances does the Surfrider Foundation support the installation of stabilization or sand retention structures along the coastline. Such structures can protect existing coastline development but have no place in beach preservation.

*** For the purposes of this policy, 'beach nourishment' is defined as: the placement of clean sand of the appropriate composition and grain size on the beach or within the littoral environment. Under no circumstances is the incorporation of sand retention devices of any form to be construed as included within this definition.*

Is there a beach management act?

This is an ecologically, economically and legislatively important issue.

There are too many roleplayers involved in the coastal zone management, beach management, land use planning, developmental controls, drainage, sewerage, solid waste management etc. Under the state beach management policy, the government has to frame an omnibus beach management act. A model which may not be photostatically applicable to Goa, but which could guide the law-makers is the US state of north Carolina's bill on Beach management strategy (annexure)

The problem of jurisdiction and empowerment

1. The Miramar beach has the jurisdiction of the Panaji municipal council under the Goa municipalities act, 1968, section 51 (2). The PMC is an elected body. The government has not empowered it under sections 184 F (preparation of development plan) and 184 G (district planning committee).
2. The Goa town and country planning act and rules (as amended till 1998) under section 29 provide for ODPs. But far more important is the basic infrastructural planning duties mandated to the PDAs and TCP board under the sections 31. (Preparation of comprehensive development plans) and

section 32. Contents of comprehensive development plan. A general reading of these sections show that MBMP contravenes the mandate of these sections. GSIDC is performing the part of the task which is mandated to NGPDA and TCP departments. The correct government position on these conflicts has not been satisfactorily explained to the OMC.

The uninspiring record of the service providers:-failed experiments in privatisation

The OMC has studied the previous decisions of privatisations involving valuable public assets/property. The lease agreements of three projects 1. The lease deed with Indian resort hotels ltd.dtd. 19/06/1997for the development of three lakh square metres of land at Aguada plateau for recreational park of international standards with allied facilities 2. The license dated 15 Nov. 1994 for property named Terekhol fort tourist rest house and 3. the lease agreement with Mandovi hotels pvt. Ltd. For catering and amusement facilities at Panaji park dt. 26 May 1996 were studied.

Visits were made to the Aguada plateau to identify the recreational park and allied facilities. Being a routine visitor to Mandovi Riviera garden restaurant the conditions at Panaji park are too familiar to the OMC. It was not possible to visit the Terekhol fort tourist rest house but reports of the violations of license conditions have been received (annexure).

1. There is no recreational park at Aguada plateau even after four and half years.
2. The terms and conditions in the lease agreement have not been adhered to by the service provider in Panaji park. It has become now an exclusive private commercial venture.
3. Reports of violations of licensing conditions at Terekhol for tourist rest house although not verified by the OMC appear authentic.

These failed attempts of privatisations have only benefitted the private service providers and not the general public or the tourists.

It is an irony that before investigating and correcting these ventures under the tourist department , the government has permitted GSIDC to enter into the area of tourism sector infrastructural privatisation.

The Final Verdict

The OMC believes that Miramar beach can not be equated with any other beach in Goa. The ecosystem services of this beach are still ill understood in terms of storm and disturbance regulation, environmental capacitance, drainage, biodiversity of flora and fauna, habitat and refugia and recreational value.

There are other profound dimensions of this beach-

- the spiritual dimension which provides a noise free and tranquil environment to the meditators on the beach.
- the psychological dimension- an overwhelming feeling of vast open sandy space and the uncluttered horizon
- the aesthetic dimension- the photogenic value of the beach as it is today, without much makeup
- the ecological dimension- habitats, communities, species, gene pools, food chains, nutrient cycles.
- the environmental dimension- the oxygen rich , pollution free air, the soothing water, the light, the sky, the clouds, the breeze;
- the cultural dimension- the beach itself is a park for the children and adults and a readymade studio for painters and a stage for the musicians;
- the economic dimension- the fisheries business alone produces a sustainable income of Rs. 2-4 crores per year for the 350 fisherpeople who catch about 1000 MT of fish with a large diversity of 30-40 species.
- the educational dimension- the beach ecosystem with the sand dunes is an open laboratory for the students.

The MBMP has missed these dimensions. It has only focussed on the techno-financial aspects and looked at the profit interests of the service provider and the revenue interests of the state government.

There is ample scope in Miramar beach area for improving the roads, drainage, sewage, sanitation, the traffic circulation, the illumination, the safety of the visitors. There is a recognised need to establish a hawkers' zone and shift the hand carts to the landward side. The polluters pay principle has to be imposed on the hawkers. There is scope for paid parking but as demarcated in the MBMP the proposed parking lot was found to be close to the fragile sand dune and overlapping with the drainage. Organised parking facilities are possible on landward side in the area encroached by the private parties.

There is need for formulating uniform beach users rules as these exist in other countries. A fire free and plastic free zone could be notified. There has to be strict ban on vehicular driving on the beach or excavation of the sand. The signages have to be improved. There is no scope at Miramar for huge billboards or for floating balloons with advertisements.

There are no specifications from health angle for bathing and swimming and these need to be prescribed and be brought to the notice of the public.

There is need for ecological and morphological microzoning of the entire beach from Campal to Cabo for nourishment and conservation. Here are some suggestions:-

1. The accreting beach near chidrens' park could be considered as ' emergent beach zone"
- 2.The beach prone to erosion between childrens' park to Panaji Gymkhana grounds could be considered as " severely erosion-prone beach zone"
- 3.The beach stretch from Panaji Gymkhana ground to Youth hostel has to be classified as "pollution prone zone" on account of the nallah and the sewage pipeline outfall. No fishing or swimming to be permitted in this zone.
4. The beach between Youth hostel to opposite of Hotel Mariott swimming pool has to be classified as the "sand bar" zone.
5. The beach stretch from Hotel mariott to Martins' beach corner-dando has to be considered as zone requiring manual cleaning and conservation.
6. The beach from Dando to Cabo is to be protected at all times as the "most productive fisheries zone".

These are tentative suggestions and the government is requested to consult NIO experts for the classification.

Finally the recommendations with respect to the TOR of the OMC are as follows:-

1. Can the OMC recommend go ahead with the acceptance of MBMP

No. Because of the strong views expressed by the public and the OMC's own assessment of the deficiencies in the MBMP and the ground truth.

2. Can the MBMP be modified and be given go ahead

No. The OMC is of the considered view that there are fundamental flaws in the process leading to MBMP and in the plan itself.

3. Can the MBMP be rejected

Emphatically Yes. There are overwhelming reasons to justify this recommendation. Complete rejection of the MBMP is the best choice in OMC's judgement. As detailed out hereafter It would clear the way for better policy making and MAY also help to save several other infrastructural projects on the drawing boards of GSIDC from getting into controversies.

The remedies:-

The OMC does not consider that by recommending the outright rejection of the MBMP any victors or losers have emerged. There would not be any victory marches. Such marches would not change the ground condition of urban resource mismanagement and stop the ongoing decay of the Campal-Miramar beach area. Rejection of the MBMP does not mean that the work for planning the sustainable scientific management of the beach with the participation of the local authorities and beneficiaries, is over. It would begin the moment, the government accepts this report.

History would also put a burden on the shoulders of all the concerned and vociferous citizens and the NGOs who had participated in the public hearing process to contribute positively, creatively and consistently.

The government and the GSIDC have not lost anything. The public hearing process has earned them a lot of public goodwill and has sent the right message to the civil society.

Government project planning should not become a point of political prestige or economic trade-off.

Certain remedies are possible, a few immediate and the rest long term.
The OMC's ten point action plan:--

- 1. Review the present status of privatised projects/services in Goa.**
Detect the breaches in lease agreement/licensing conditions and fix penalties. Refloat tenders to avoid monopolies of service providers.
- 2. Prepare, discuss and declare the state policy on A. privatisation, B. sectoral privatisation and C. infrastructural privatisation.**
There are important policy tips in India Infrastructure Report-2002. The privatisation policy in Malaysia can also be studied.
- 3. Provide policy and statutory support to the infrastructural projects by introducing the Goa Infrastructure development act (GIDA) on the lines of Gujarat state. Improve the quality and reliability of databases on existing infrastructure.**
- 4. Empower the elected local authorities. Appoint district planning committees and encourage the Municipal councils to prepare the development plans in accordance with the Municipalities act, 1968.**
- 5. Direct the PDAs to prepare the Comprehensive Development Plans pending for several years. A special sub-plan is required for managing urban areas in Island ecosystems. The government need to engage the NIO to undertake a study to prepare an environmental management plan for the threatened Mandovi estuary from Old Goa to Dona-Paula.**

- 6. Prepare a Goa state beach management policy and legislate the beach management act to end the chaos in coastal tourist zone and streamline permissible infrastructural development(e'g. sewage treatment) supported by the local communities. The government may constitute a small technical group to frame sand dune rules and prepare beach nourishment strategy for all the eroded beaches. The OMC suggests the name of Sand dune expert and noted geologist from NIO Dr. Antonio Mascarenhas to head this group.**
- 7. For immediate solutions for managing the Miramar beach alongwith the hinterland and the watershed, the GSIDC must enter into a MOU with PMC and support the said council to appoint by a special resolution- a broadly representative, Community based Miramar Beach management committee (CBMBMC), before April 1, 2002, which would have on its' agenda all the concrete and creative suggestions received from the public during the process of the OMC's work to set the ball rolling. One option which the CBMBMC could explore is the joint management of the beach with the active involvement of the fisherpeople. There are excellent chances that this model would succeed in Panaji . But the outlook should be positive.**
- 8. GSIDC could still be in picture to implement selectively, infrastructural projects which are identified and recommended by the CBMBMC and subject to the policy framework as suggested earlier. There are avenues of taxation and national and international project based funding which could be explored by CBMBC.**
- 9. The government need to formalize the practice of public hearing by framing suitable guidelines by inviting suggestions from the public and the NGOs and involve the public at the early stages of project identification, definition and planning. Every public hearing may not be statutory but Goa would march ahead if the government brings a legislation to make Public hearing mandatory for scheduled sectors, projects and plans. The government through law department and the legal aid cells could encourage the NGOs to conduct training classes in community**

organization and participation in public hearing. As a model training manual the government should acquire copies of the Sierra club guide to community organizing, ie. "How to save Your Neighbourhood, city or town" by Maritza Pick, sierra club books, San Francisco, 1993 and gift these copies to the councillors and NGOs.

10. True copies of the videotaped transcripts of the public hearing conducted by OMC on December 18 th 2001 and January 17 th 2002 could be sold by GSIDC to the interested purchasers at reasonable costs, after framing appropriate terms and conditions consistent with copyrights and other acts.

Epilogue

As I was giving the finishing touches to the report, my eyes fell on The weekender News item on front page dated February 3 rd. 2002 proclaiming that the Chief Minister Mr. Manohar Parrikar has lost interest in the MBMP. I believe that the news may be true.

It gave the OMC a sinking feeling-because the CM spoke out his mind when the OMC was finalizing this report. Personally I feel that it is a big blow to the sanctity of the committee' process. But I have faith in the present CM. I consider his impulsive statements, if true, is a passing phase. I am sure that he or his successors would not dump this report compiled with a lot of pains into the dustbin.

This report and the observations, comments, suggestions made would be useful for him and his successors to renew and revive their interest in larger policy issues. The OMC has experienced the administrative chaos on the two fronts-1. Failure to discipline the errant private service providers possessing the Aguada plateau and the Panaji Park 2. Failure in getting back valuable government land encroached at Miramar. If the government intends to proceed with other infrastructural mega-projects, let those be governed by clear privatisation and infrastructural policies.

Dr. Nandkumar M. Kamat, February 6, 2002

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